

Draft **US 2** Havre to Fort Belknap

Environmental Impact Statement and Draft Section 4(f) Evaluation

US 2, Havre to Fort Belknap

June 2004

PLH-TCSP 1-6(44)384
CN 4951

Volume 2 of 2: Appendices and Draft Section 4(f) Evaluation



Montana Dept. of Transportation



U.S. Department of Transportation
Federal Highway Administration



Draft EIS

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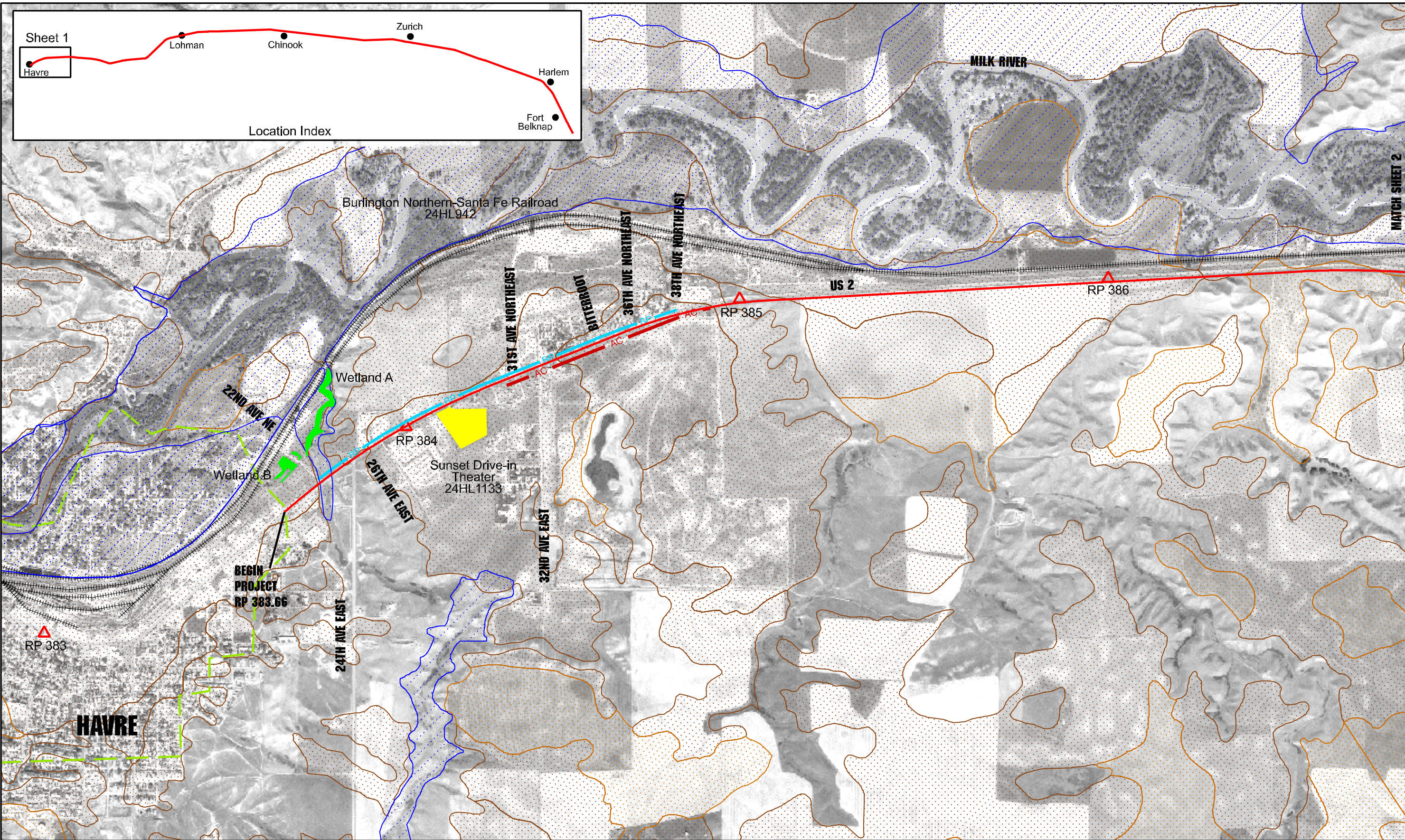
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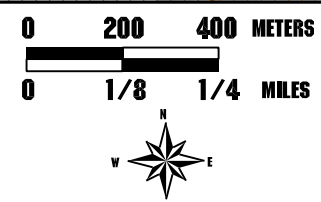
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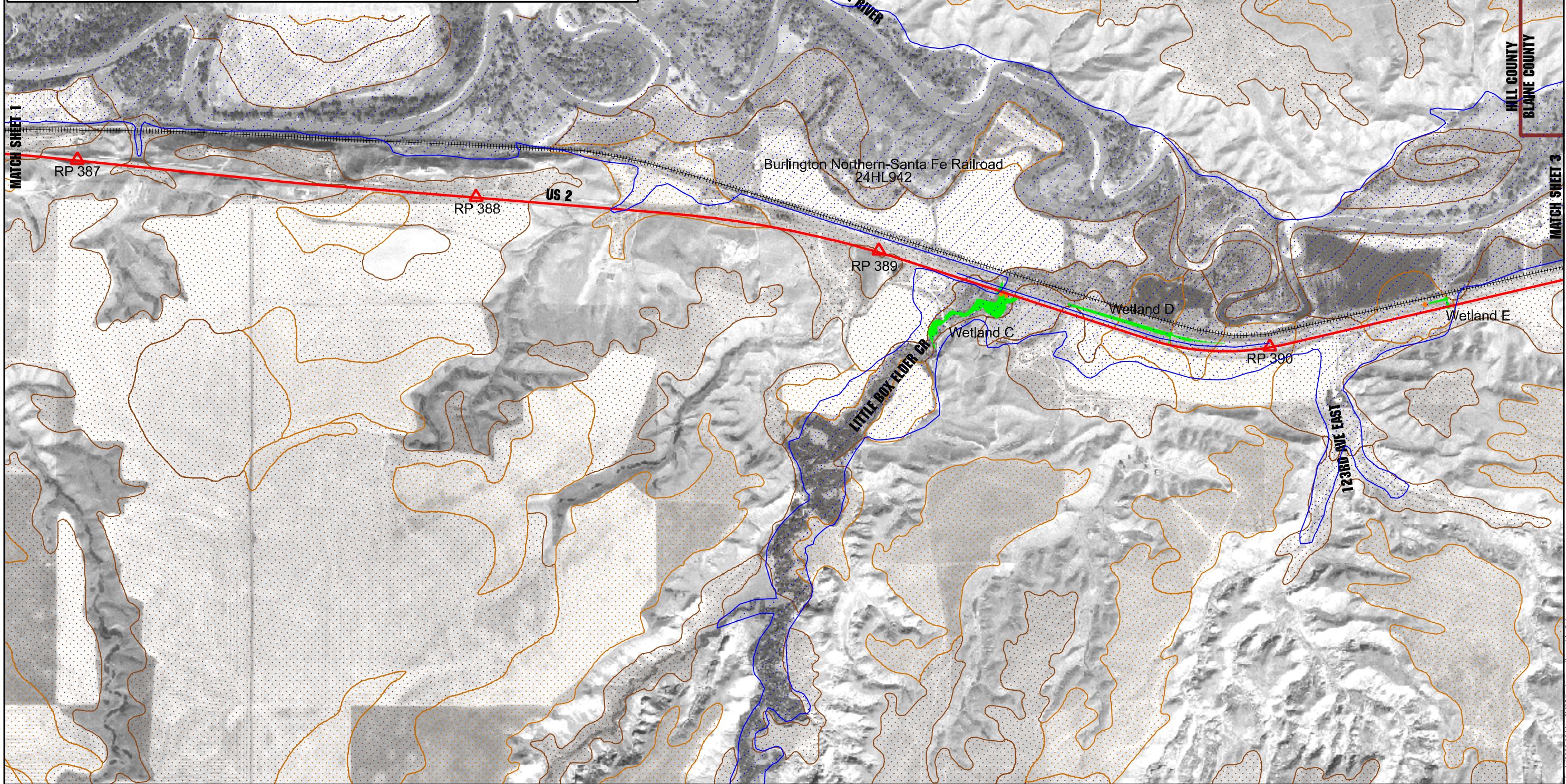
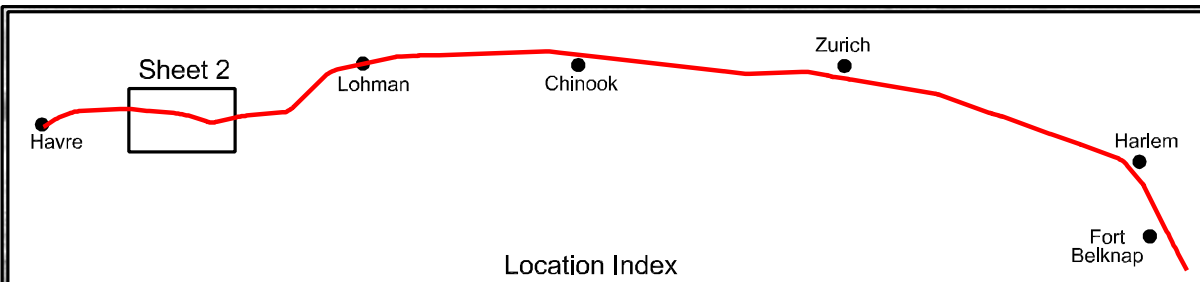


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	REFERENCE POST (RP)		PROPOSED BIKE PATH		FARMLAND OF STATEWIDE IMPORTANCE
	CULTURAL RESOURCE NRHP ELIGIBLE		100 YEAR FLOODPLAIN		

	ACCIDENT CLUSTER
	BNSF RAILROAD
	URBAN BOUNDARY





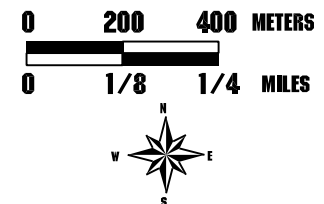
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- WETLANDS
- PROPOSED BIKE PATH
- 100 YEAR FLOODPLAIN

- PRIME FARMLAND IF IRRIGATED
- FARMLAND OF STATEWIDE IMPORTANCE

- AC ACCIDENT CLUSTER
- BNSF RAILROAD
- URBAN BOUNDARY

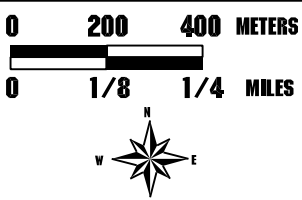
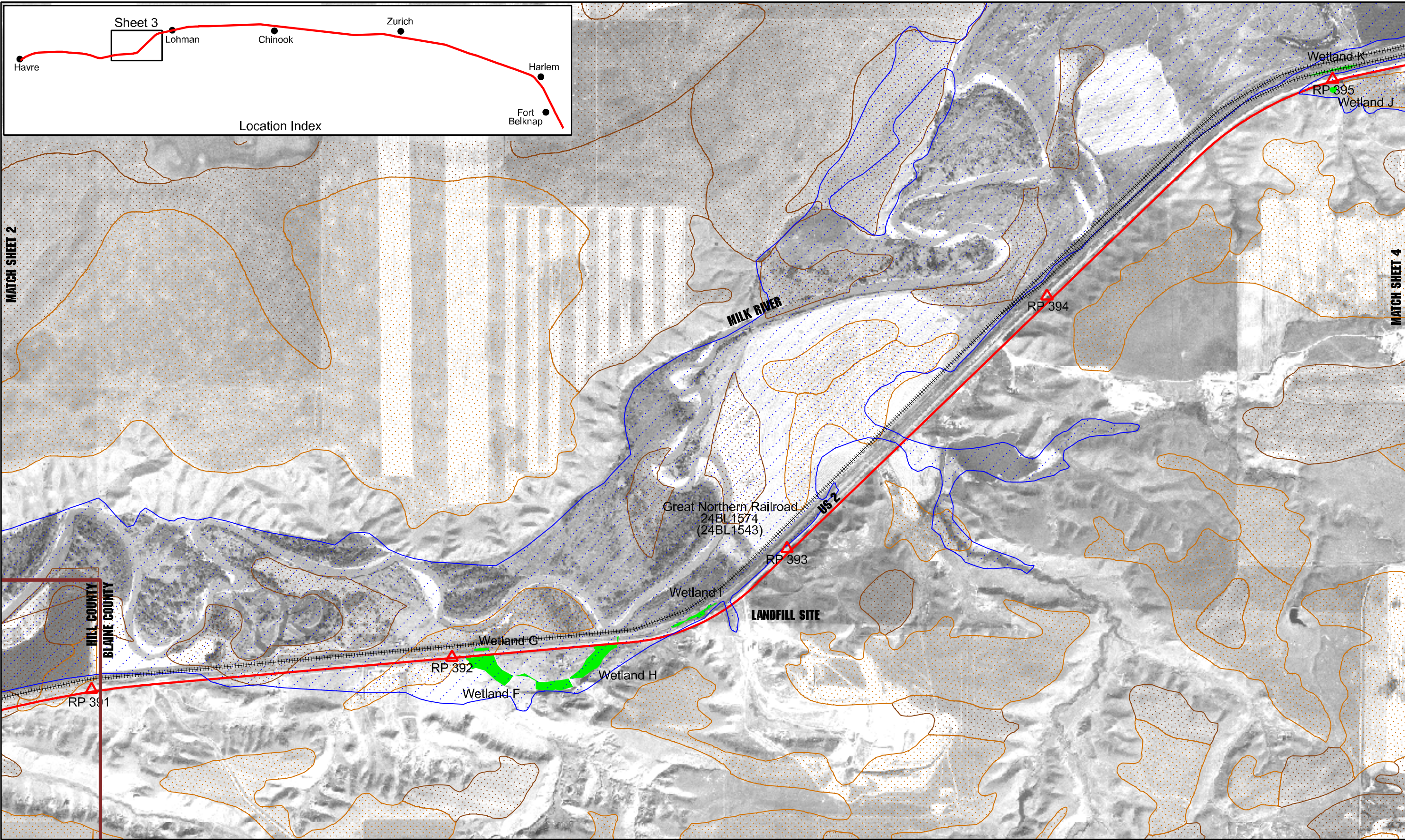
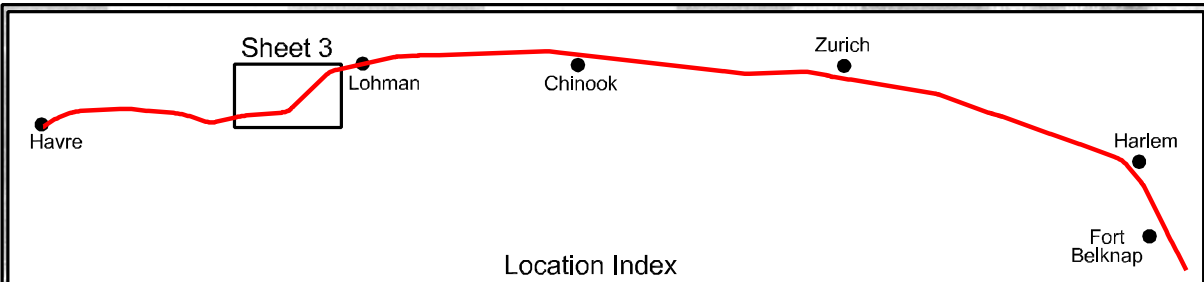


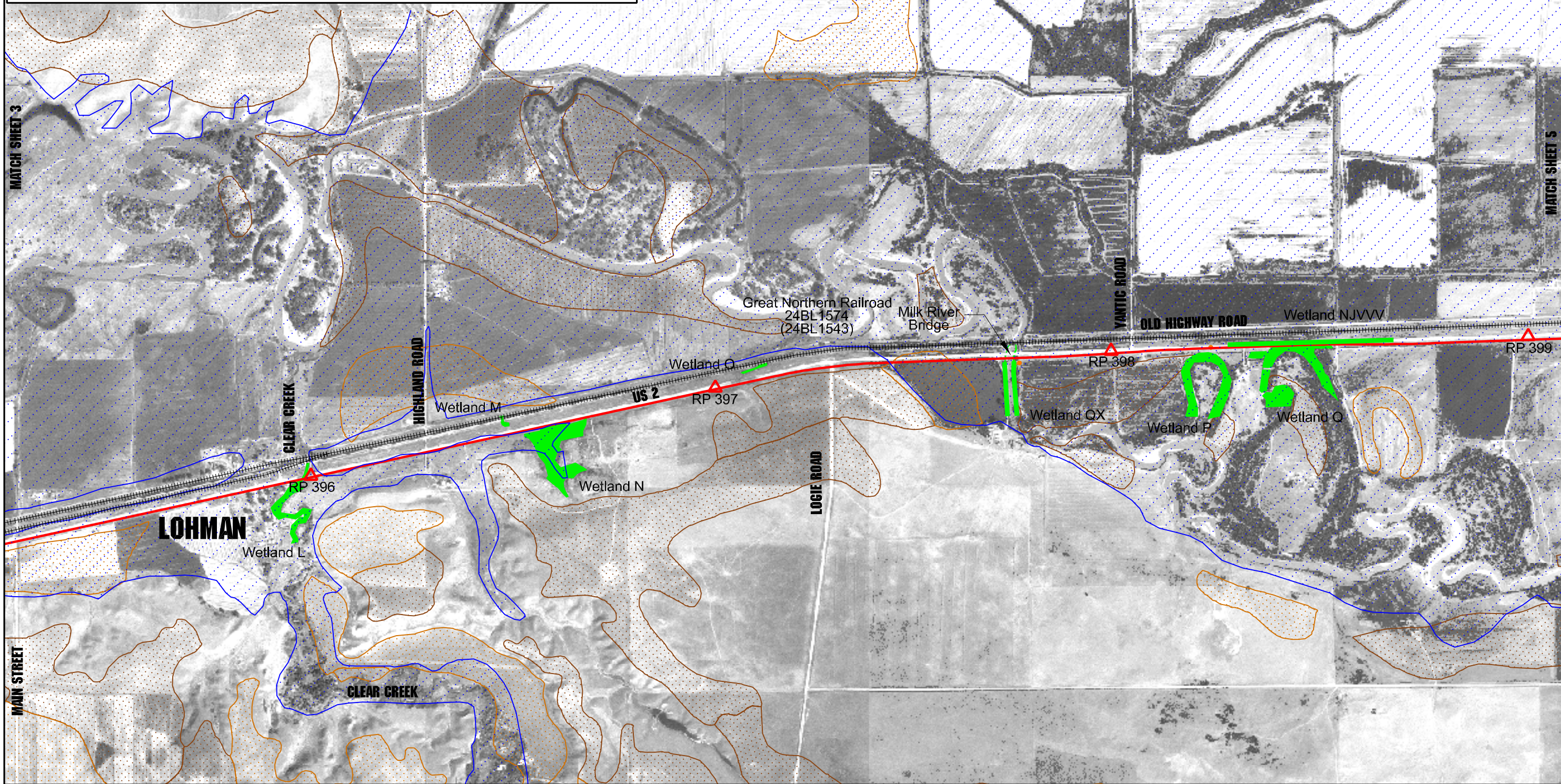
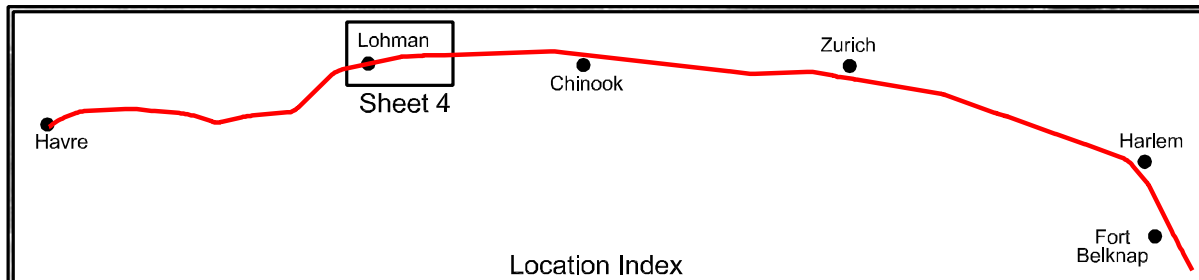
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RESOURCES MAP

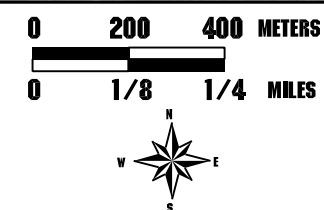
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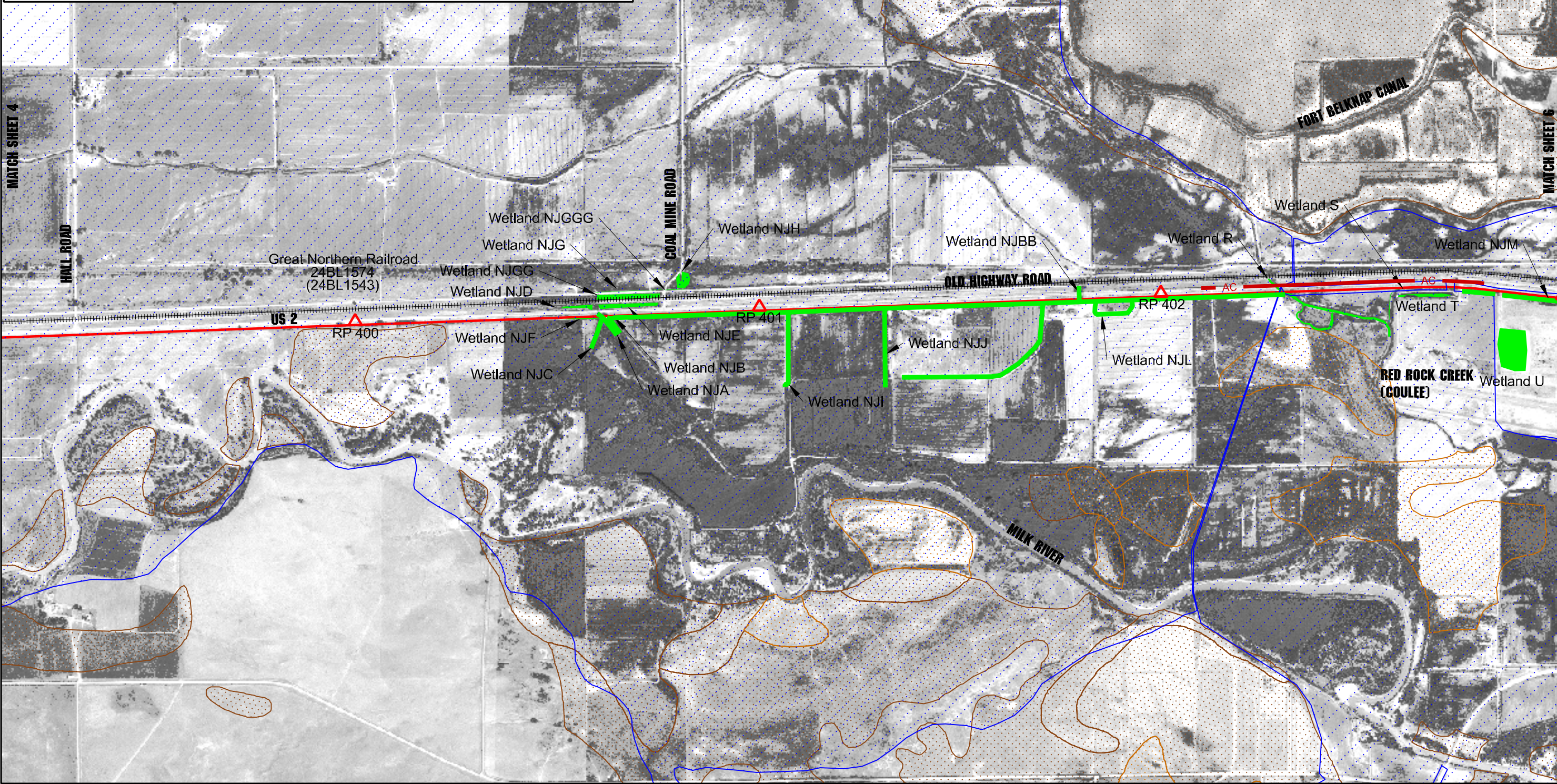
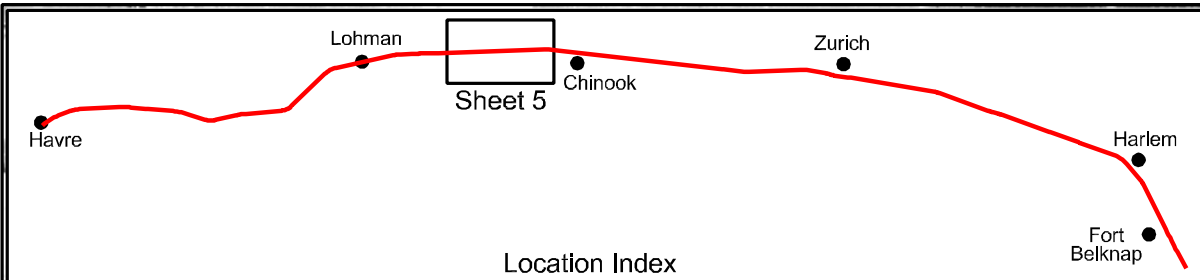
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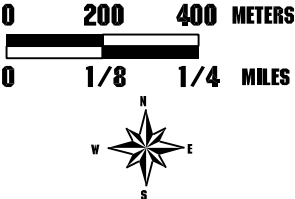
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			FARMLAND OF STATEWIDE IMPORTANCE
	ACCIDENT CLUSTER		BNSF RAILROAD
	URBAN BOUNDARY		



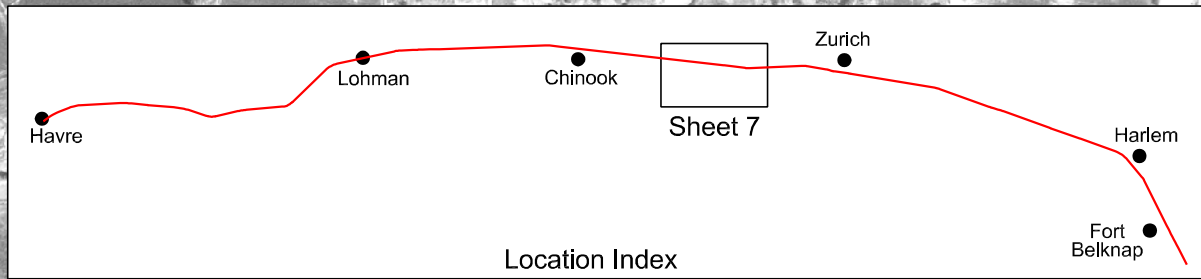
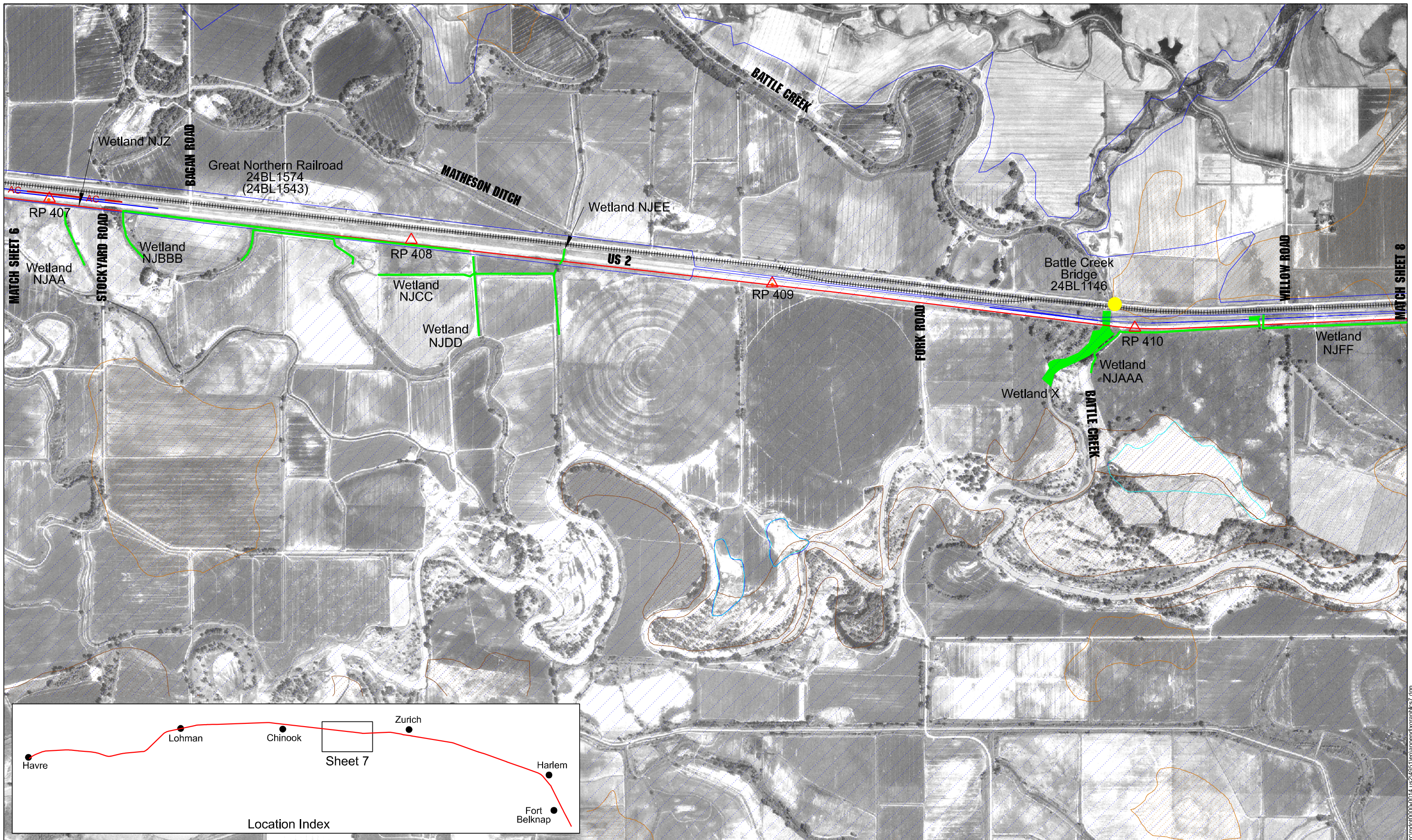


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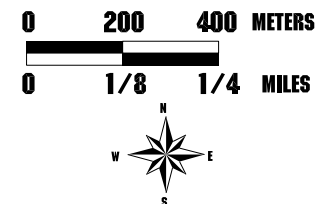
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- CULTURAL RESOURCE NRHP ELIGIBLE

- WETLANDS
- BP— PROPOSED BIKE PATH
- 100 YEAR FLOODPLAIN

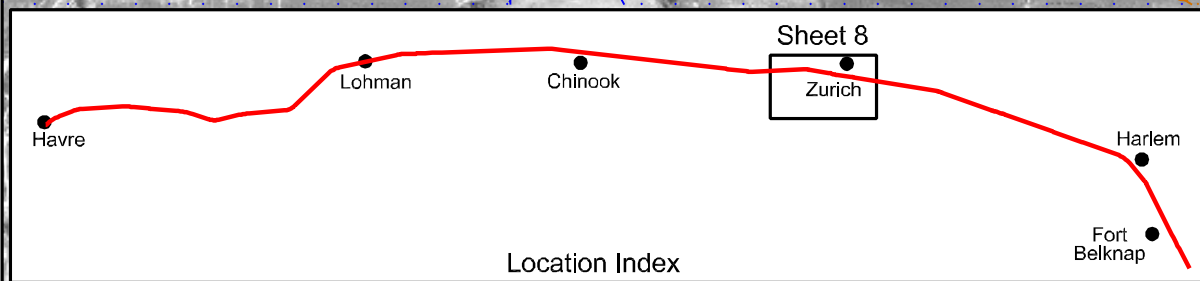
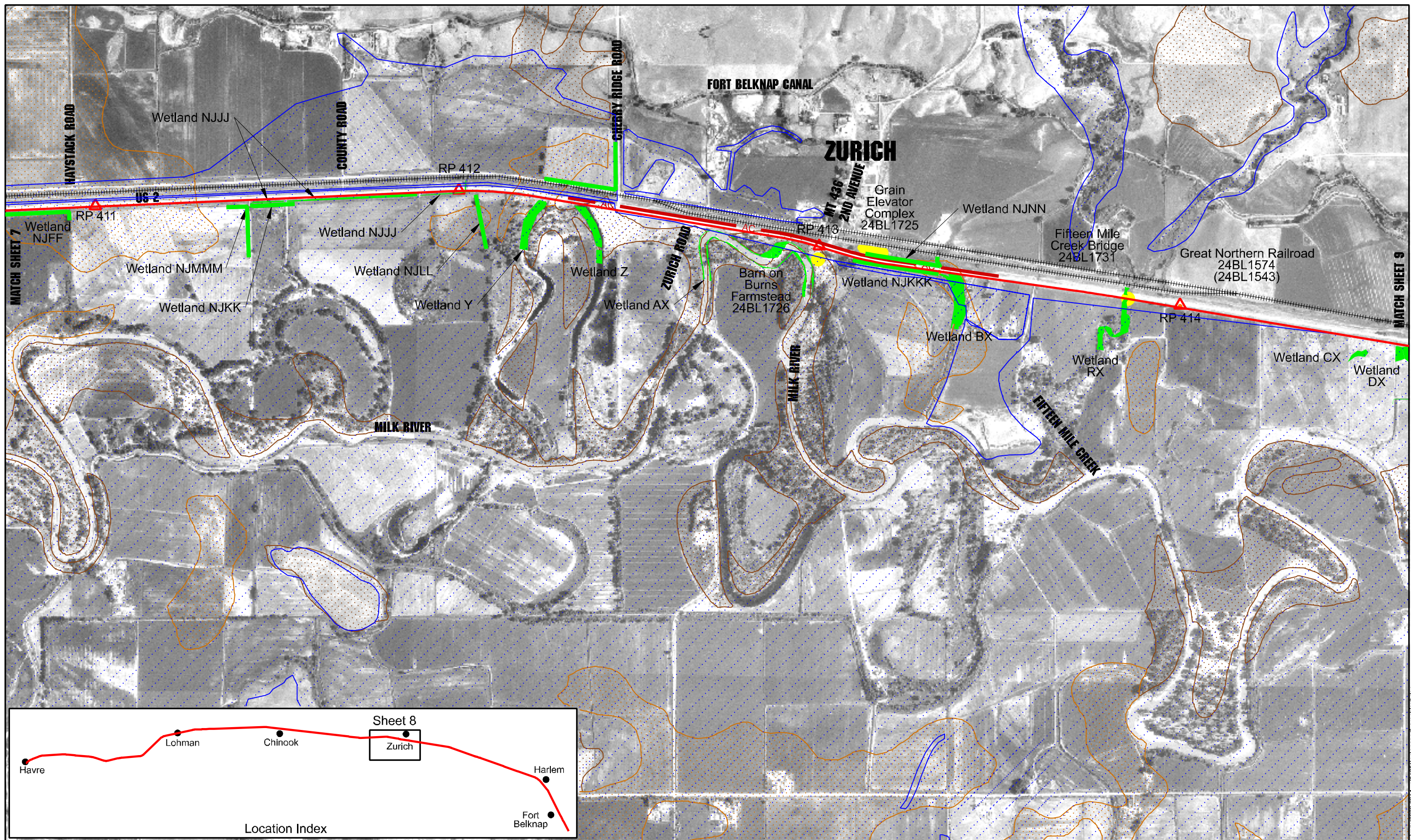
- PRIME FARMLAND IF IRRIGATED
- FARMLAND OF STATEWIDE IMPORTANCE

- AC— ACCIDENT CLUSTER
- +++++ BNSF RAILROAD
- URBAN BOUNDARY

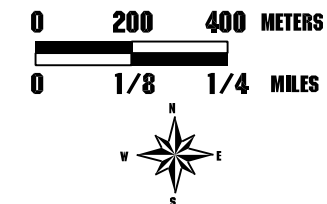


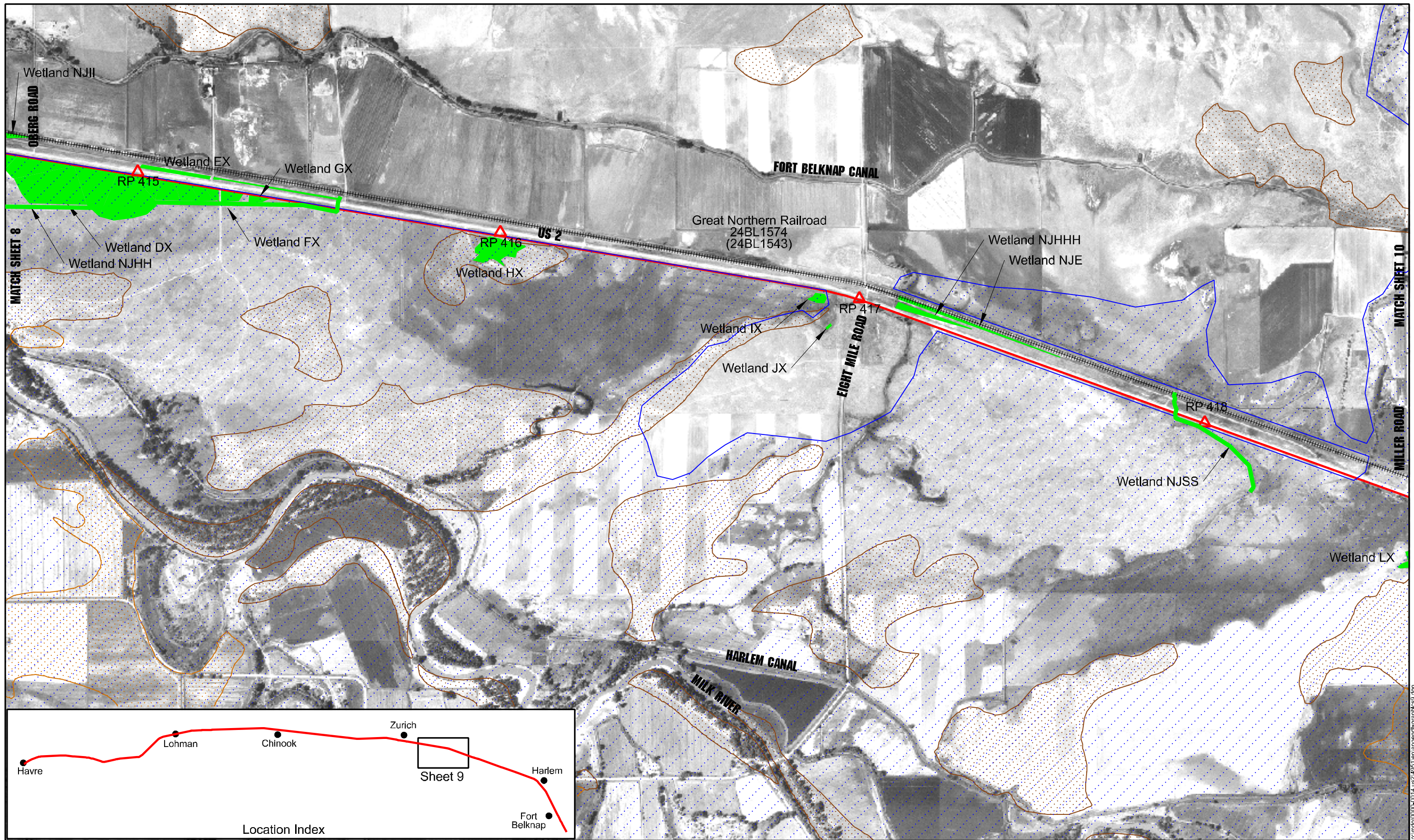
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— PROPOSED ALIGNMENT CENTER LINE	— WETLANDS	 PRIME FARMLAND IF IRRIGATED	-AC- ACCIDENT CLUSTER
▲ REFERENCE POST (RP)	-BP- PROPOSED BIKE PATH	 FARMLAND OF STATEWIDE IMPORTANCE	+++++ BNSF RAILROAD
● CULTURAL RESOURCE NRHP ELIGIBLE	 100 YEAR FLOODPLAIN		--- URBAN BOUNDARY





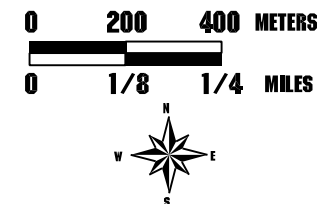
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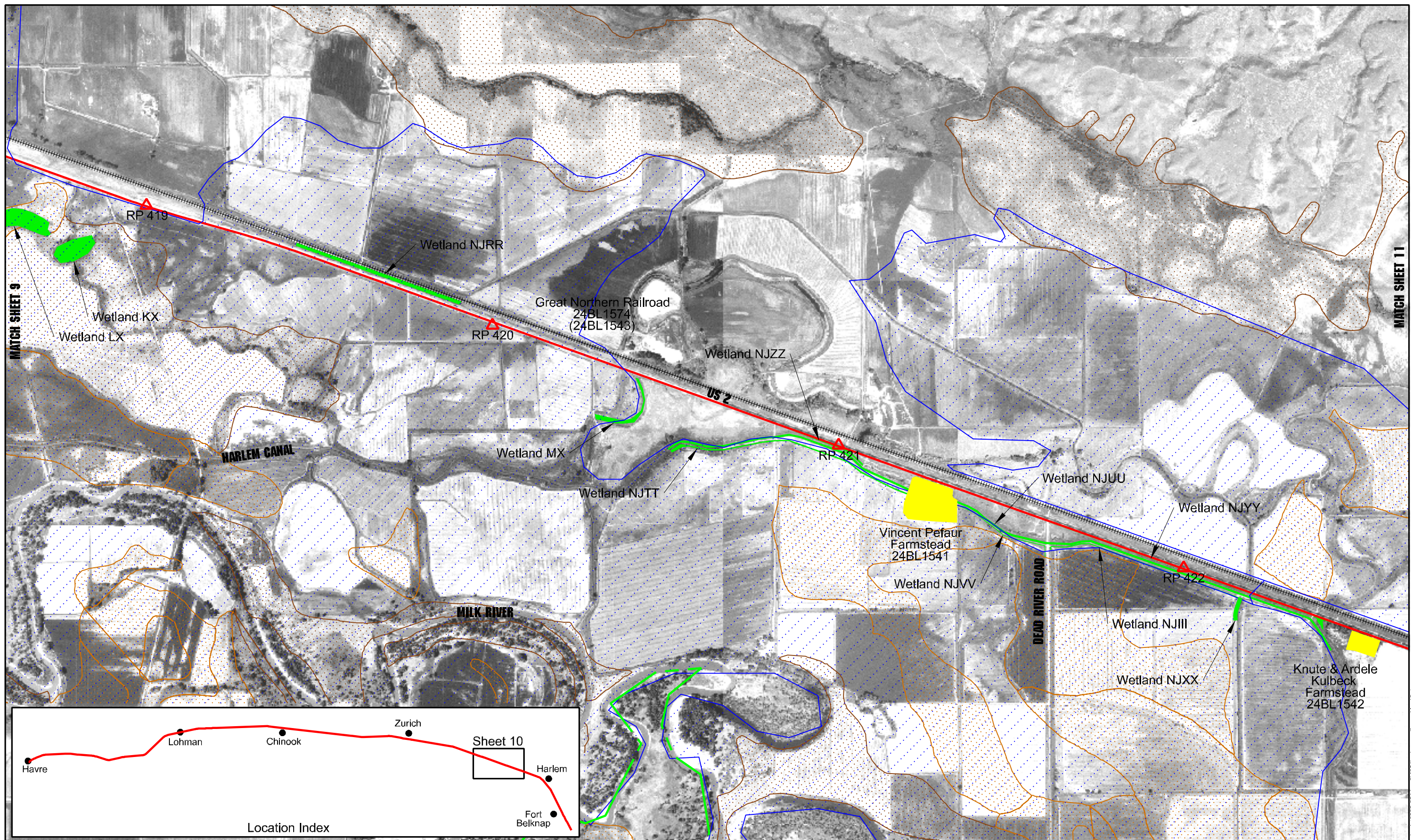
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- PROPOSED BIKE PATH
- 100 YEAR FLOODPLAIN

- PRIME FARMLAND IF IRRIGATED
- FARMLAND OF STATEWIDE IMPORTANCE

- AC ACCIDENT CLUSTER
- BNSF RAILROAD
- URBAN BOUNDARY



US2, HAVRE TO FORT BELKNAP
RESOURCES MAP
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LEGEND

- PROPOSED ALIGNMENT CENTER LINE
- ▲ REFERENCE POST (RP)
- CULTURAL RESOURCE NRHP ELIGIBLE

- WETLANDS
- BP — PROPOSED BIKE PATH
- 100 YEAR FLOODPLAIN

- PRIME FARMLAND IF IRRIGATED
- FARMLAND OF STATEWIDE IMPORTANCE

- AC — ACCIDENT CLUSTER
- +++++ BNSF RAILROAD
- URBAN BOUNDARY

0 200 400 METERS

0 1/8 1/4 MILES

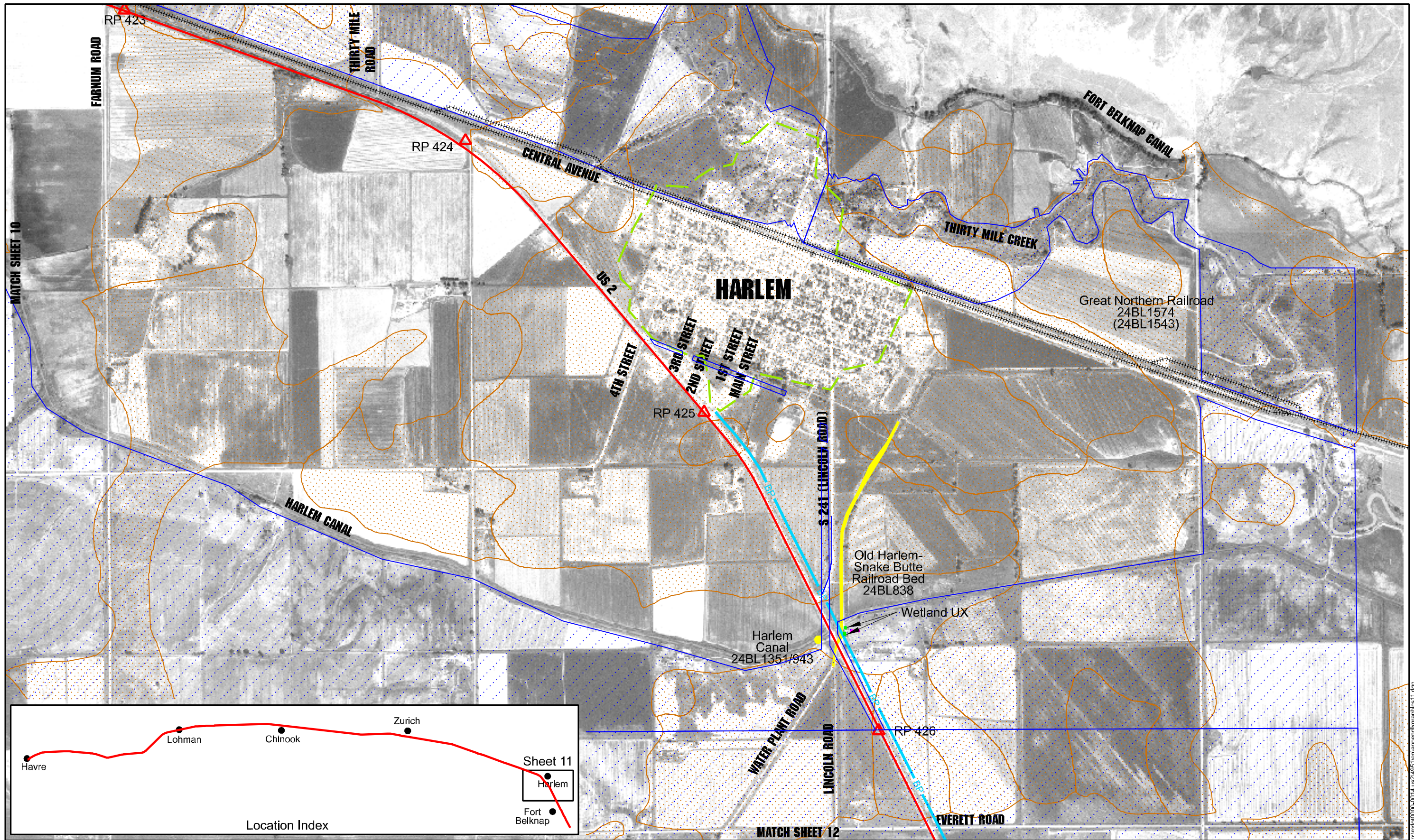


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SHEET 10 OF 12

JUNE, 2004



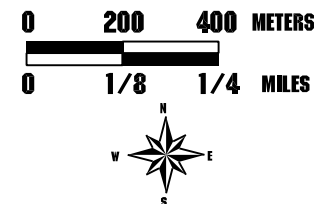
LEGEND

- PROPOSED ALIGNMENT CENTER LINE
- △ REFERENCE POST (RP)
- CULTURAL RESOURCE NRHP ELIGIBLE

- WETLANDS
- BP PROPOSED BIKE PATH
- 100 YEAR FLOODPLAIN

- PRIME FARMLAND IF IRRIGATED
- FARMLAND OF STATEWIDE IMPORTANCE

- AC ACCIDENT CLUSTER
- ++++ BNSF RAILROAD
- URBAN BOUNDARY



US2, HAVRE TO FORT BELKNAP
RESOURCES MAP
SHEET 11 OF 12
JUNE, 2004

MATCH SHEET 11

MILK RIVER
FORT BELKNAP RESERVATION

RP 427

ELLIS ROAD

Wetland VX

Wetland OX

Wetland TX

RP 428

LOWER CANAL

MILK RIVER

Wetland NJDDD

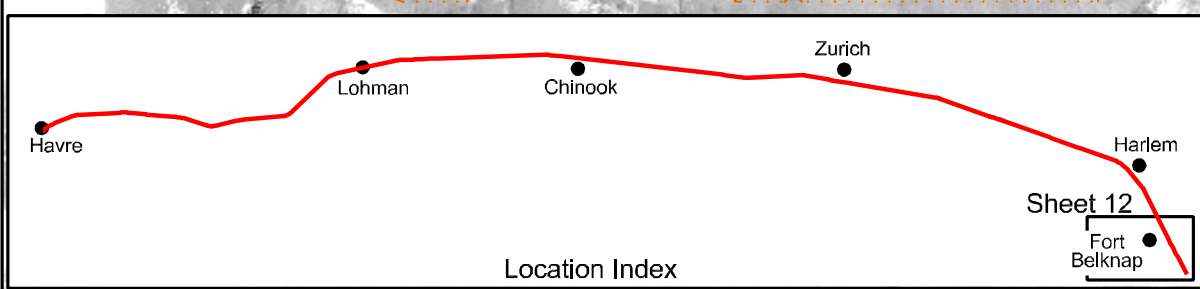
Wetland NX

1ST STREET

**FORT
BELKNAP**

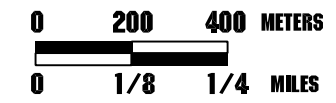
MAIN STREET
MT HIGHWAY 66
END PROJECT
RP 428.52

Wetland NJEEE



LEGEND

- | | | | |
|-----------------------------------|---------------------------|----------------------------------|-------------------------|
| — PROPOSED ALIGNMENT CENTER LINE | WETLANDS | PRIME FARMLAND IF IRRIGATED | — AC — ACCIDENT CLUSTER |
| ▲ REFERENCE POST (RP) | — BP — PROPOSED BIKE PATH | FARMLAND OF STATEWIDE IMPORTANCE | +++++ BNSF RAILROAD |
| ● CULTURAL RESOURCE NRHP ELIGIBLE | 100 YEAR FLOODPLAIN | | — URBAN BOUNDARY |



US2, HAVRE TO FORT BELKNAP
RESOURCES MAP
SHEET 12 OF 12
JUNE, 2004



June 2004

APPENDIX B – Agency Coordination

**FOR CORRESPONDENCE WITH THE
MONTANA STATE HISTORIC PRESERVATION OFFICE,
PLEASE REFER TO:**

APPENDIX F – CULTURAL RESOURCES

RECEIVED

NOV 25 2002

U.S. ARMY CORPS OF ENGINEERS

HELENA REGULATORY OFFICE

10 WEST 15TH STREET, SUITE 2200

HELENA, MONTANA 59626



November 19, 2002

Helena Regulatory Office
Phone (406) 441-1375
Fax (406) 441-1380

Subject: Corps File Number 2002-90-597
US 2 Havre to Fort Belknap EIS
PLH-TCSP 1-6 (44) 384, Control Number 4951

MASTER FILE
COPY

Jean Riley
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

Dear Ms. Riley:

This letter is a response to a request that the US Army Corps of Engineers (Corps) be a Cooperating Agency for the Montana Department of Transportation (MDT) project listed above. A reply was requested by October 28, 2002, and we appreciate your acceptance of this late response.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material below the ordinary high water mark of our Nation's rivers, streams, lakes or wetlands.

Pursuant to the National Environmental Policy Act, the Corps agrees to be a Cooperating Agency. Our participation as a Cooperating Agency will be commensurate with the level of project impact on Waters of the United States. This is in addition to our regulatory and permitting responsibilities.

Todd Tillinger of this office will be the Corps' project manager. He may be reached by phone at (406) 441-1375 or by e-mail at todd.n.tillinger@usace.army.mil. Please reference Corps File Number 2002-90-597.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allan Steinle", is written over a horizontal line.

Allan Steinle
Montana Program Manager



RECEIVED

OCT 23 2002

ENVIRONMENTAL

Havre Field Office
206 25th Avenue West
Havre, MT 59501-6008

1-406-265-6792
Fax 1-406-265-3077



October 16, 2002

Jean A. Riley, P.E.
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

RE: US 2 Havre to Fort Belknap EIS
PLH-TCSP 1-6(44)384
Control NO. 4951

Dear Mr. Riley:

Thank you for your letter of September 17, 2002, relating to the US Highway 2 project.

As an agency, the NRCS would like to continue to be informed of the ongoing activities affecting the farmland along the proposed highway route. We ask that you clarify the project limits, by designating impacted areas on a more detailed map. We also request that the department complete the appropriate parts of Form AD-1006, or CPA-103.

Matthew Crampton and I will be cooperating on this issue, so all necessary documentation may be addressed to him for our agency. Thank you for your correspondence on this project.

Respectfully,

A handwritten signature in black ink, appearing to read "Deana Biegelke Grabofsky".

Deana Biegelke Grabofsky & Matthew Crampton
District Conservationists
Havre NRCS & Chinook NRCS

Cc:

Tom Pick, Water Quality Specialist, NRCS, Bozeman MT
Phyllis Philipps, ASTC(FO) Upper Missouri Resource Team, NRCS, Great Falls, MT
Randall Phelan, ASTC(FO) Lower Missouri Resource Team, NRCS, Glasgow, MT

United States Department of Agriculture



Natural Resources Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, Montana 59715-4704

September 30, 2002

Jean A. Riley, P.E.
Engineering Section Supervisor
Montana Department of Transportation
Post Office Box 201001
Helena, Montana 59620-1001

Dear Ms. Riley:

SUBJECT: US 2 HAVRE TO FORT BELKNAP EIS
PLH-TCSP 1-6(44)384
CONTROL NO. 4951

Thank you for your letter of September 17, 2002, inviting the Natural Resources Conservation Service (NRCS) to participate as a Cooperating Agency on the above referenced highway improvement project. As you may be aware, the enactment of the 2002 Farm Bill in addition to emergency drought assistance and ongoing conservation programs have placed particularly strong demands on NRCS technical assistance resources at this time. Due to the requirements of meeting our workload, we therefore are **not** requesting to become a Cooperating Agency on this project.

NRCS does continue to advocate for interagency coordination and requests to be kept informed of the progress of the study, coordination meetings, and draft environmental documents on an informal basis. We will comment and/or participate when appropriate and as time allows. Since the project transects several NRCS field office jurisdictions, any such information should be sent to the following individuals:

- Deana Grabofsky, District Conservationist
USDA-NRCS, Havre Field Office, 206 25th Avenue West, Havre, Montana 59501-3418;
- Matthew Crampton, District Conservationist
USDA-NRCS, Chinook Field Office, P.O. Box 189, Chinook, Montana 59523-0189; and,
- Terry Buck, Tribal Conservationist
USDA-NRCS, Fort Belknap Office, RR1, Box 66, Harlem, MT 59526-9705.

Please continue to coordinate the identification of Important Farmlands and completion of the CPA-103 (or AD-1006), Farmland Conversion Impact Rating Form, if necessary, through Matthew Crampton in Chinook. Thank you again for your correspondence and the opportunity to participate in this project.

A handwritten signature in dark ink, appearing to read "Dave White", is written over a horizontal line.

DAVE WHITE
State Conservationist

cc:

Martin A. Jiminez, SRC, NRCS, Bozeman, MT
Randall Phelan, ASTC (FO), Lower Missouri Natural Resource Team, NRCS, Glasgow, MT
Phyllis Phillips, ASTC (FO), Upper Missouri Natural Resource Team, NRCS, Great Falls, MT
Tom Pick, Water Quality Specialist, NRCS, Bozeman, MT
Deana Grabofsky, District Conservationist, NRCS FO, Havre, MT
Matthew Crampton, District Conservationist, NRCS FO, Chinook, MT
Terry Buck, Tribal Conservationist, NRCS FO, Harlem, MT



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Rocky Mountain Regional Office
316 North 26th St.
Billings, Montana 59101

S. Sternberg

to: Environmental Services-160

SEP 17 2002

Carl Helvik, Consultant Design
Montana Department of Transportation
2701 Prospect Avenue
Helena, Montana 59620-1001

PLH-TCSP -6(44)384 CN 4951

Dear Mr. Helvik:

It has come to our attention that the Montana Department of Transportation proposes to prepare an Environmental Impact Statement (EIS) for improvements to US Highway 2 in Hill and Blaine Counties. It appears that a small portion of the proposed action could be on the Fort Belknap Reservation. If the highway will be on the Reservation, the Bureau of Indian Affairs would like to be a cooperating agency in the development of the EIS.

We also recommend that you consult with the Fort Belknap Community Council to gather input, issues, and concerns associated with the proposed construction. The address for the Council is:

Fort Belknap Community Council
RR1, Box 66
Harlem, Montana 59526
406/353-2205

Questions may be directed to Rick Stefanic at 406/247-7911

Sincerely,

[Signature]
Deputy Director

cc: Chairman, Fort Belknap Community Council
Superintendent, Fort Belknap Agency

Date Recd Preconst 9-19-02				
Ad	LR	MAIL ROUTE	Attach	Initial
	✓	30 Preconst Engr		
	✓	30 Assistant		
		30 Office Mgr		
		31 Safety Mgmt.		
		22 Road Design		
	✓	33 Environment		
		34 Hydraulics		
		35 Survey & Mapping		
		26 Traffic Eng		
	✓	39 Consultant Dsn.		
		<i>M.P. Johnson</i>		
	✓	File		

Per request of Rick Stefanic, this letter is to be used as BIA official response and acceptance of Coop.

MEMORANDUM OF UNDERSTANDING

between

FILE COPY

THE FORT BELKNAP INDIAN COMMUNITY COUNCIL OF THE GROS VENTRE AND ASSINIBOINE TRIBES OF THE FORT BELKNAP INDIAN RESERVATION

and

THE STATE OF MONTANA, MONTANA DEPARTMENT OF TRANSPORTATION

PREAMBLE

The intent of this AGREEMENT is to initiate a new era of cooperation between the STATE OF MONTANA, MONTANA DEPARTMENT OF TRANSPORTATION (MDT), and the FORT BELKNAP COMMUNITY COUNCIL OF THE GROS VENTRE AND ASSINIBOINE TRIBES OF THE FORT BELKNAP INDIAN RESERVATION, (COUNCIL) supporting Governor Marc Racicot's "PROCLAMATION" dated March 10, 1993, to wit:

WHEREAS, it is desirable to all of us who live in Montana to achieve mutual goals through an improved relationship between sovereign governments, namely the State of Montana and the Indian Nations located within its borders. The respective sovereignty of the State and each federally recognized Tribe provides authority for each to exist and to govern;

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, do hereby affirm that the State of Montana recognizes the fundamental principle and integrity of the government-to-government relationship between the State and the Indian Nations located in Montana, and it is upon this principle that a mutually beneficial approach to conflict resolution must rest.

This agreement is a general agreement and is intended to cover all MDT construction contracts and highway maintenance contracts advertised for bids (hereafter, "projects") that will be located on the Fort Belknap Reservation.

Project Specific Agreements (PSAs) will also be negotiated and entered into by the parties to cover specifics of the individual projects, provided, further, that nothing contained in the PSA shall be inconsistent with or in conflict with this MOU.

The Council and MDT recognize the importance of bridge and highway construction and maintenance for the safety of their people and traveling public and for the economic health, employment and commercial benefit of the Council, State and Region.

MDT recognizes and will honor the unique culture of the Tribes. MDT will recognize the laws of the Council to the extent such recognition is not in conflict with Federal or State Law. If there are conflicts in the law(s), the parties shall use their best efforts to identify with specificity the conflicts

and work together in resolving the conflicts. If any part of this MOU conflicts with Tribal law, regulations, etc. it is agreed that this MOU supersedes the conflicting portion of the Tribal law, regulation, etc. for the purposes of the MDT projects built under the provisions of this MOU.

The Council and MDT pledge their mutual resolution and positive cooperation for all projects on the Fort Belknap Reservation.

Specific Issues:

I. Construction

A. The Council will be invited to attend and participate in all planning activities for all projects.

B. A mandatory Pre-Bid Conference will be held on the Reservation for all projects. The Council will send a Representative(s) to the Pre-Bid Conference which may include the Council's Transportation Planner and the Council's TERO Director or designated representatives.

The Council's designated representatives will inform MDT and all contractors in attendance at the Pre-Bid Conference of all terms, conditions, requirements or other ordinances affecting MDT, the contractor and/or the construction at, and no later than, the Pre-Bid Conference. The Pre-Bid Conference will inform the potential bidders of all Tribal requirements that will be in effect at the time of the project before they submit their bids. The terms, conditions and requirements identified at the Conference will be those that will be in effect during the term of the project.

C. The Council will be invited to attend, and the Council will attend and participate in the Preconstruction Conference for all projects.

D. Regarding the use of gravel, borrow and fill materials for projects covered by this MOU from Tribal sources and/or individual sources, the specific requirements for use of Tribal and/or individually-owned gravel will be set forth in the applicable PSA. The Council and MDT will cooperate in identifying gravel sites on the Reservation, particularly those that may have potential for long term use of both parties.

E. MDT pledges to work in cooperation with the Council on all environmental issues and specifications. All environmental mitigation will be accomplished as specified in the project's PSA.

There will be "no net loss" of wetlands within the Reservation boundaries unless otherwise agreed to by both parties and so specified in the PSA. Mitigation will be not less than on an acre for acre basis and will be new construction or improvement of existing wetlands. Site locations will be agreed to by both parties in the PSA.

F. The Council and MDT recognize that Prime and/or subcontractor preferences cannot be granted. The Council exempts MDT from any existing or potential contractor and subcontractor ordinance, regulation or requirement.

II. Tribal Employment

A. Indian preference in employment on all projects located on the Reservation will be in accordance with the Tribes' TERO Ordinance in effect at the time of execution of that project's

PSA, except as specified herein. All hires are to be through the Tribal TERO Office, except that when qualified workers are not available within two working days, contractors are allowed to utilize other recruitment sources.

B. Indian preference in employment will not be enforced upon a contractor's or subcontractor's core crew. "Core crew" is defined as a regular permanent employee that is either in a supervisory position or another key position such that the employer would risk likely financial damage or loss if the position was filled by a person who had not previously worked for that firm. A "regular permanent employee" is one who was on the contractor's payroll for the prior construction season, or is presently an owner of the firm, in contrast with a person who is hired on a project-by-project basis. Contractors that have questions whether an employee qualifies as "core crew" must raise the question during the pre-bid conference.

C. For the on-Reservation construction contracts covered by this MOU, a Tribal TERO fee of three percent (3%) of the total contract cost will be assessed by the Council. MDT will collect this fee for the Council by withholding three percent (3%) from each progress and final payment to the contractors. MDT will then submit payment to the Council. Except for the Council's TERO fee and the Tribal Business License and Application fee, no other Tribal fees, taxes or permits will be assessed against MDT prime contractors or subcontractors, MDT's prime contractor or subcontractor employees, or anyone else working on MDT's project. No Tribal fees, taxes or permits will be assessed against the MDT or its employees, unless *State of Montana vs. King*, a suit now pending in the Ninth Circuit Court of Appeals, is finally and fully adjudicated to allow such assessments. Prime contractors and subcontractors will be required to obtain and maintain such Tribal Business Licenses as are presently required by Tribal Law.

D. MDT recognizes that the Federal Highway Administration has interpreted Title VII of the Civil Rights Act as not permitting an Indian preference in federal highway construction contracting. MDT recognizes that this interpretation has no bearing on the well-settled policy of preferential employment of Indian employees on or near reservations. MDT will emphasize Montana's commitment to Indian employment as a means of strengthening Tribal communities when granting prime and subcontracts for these projects on or near reservations, and for projects near the reservation, will set forth hiring goals through specific PSAs.

E. MDT will work with the Tribes to recognize TERO certification of Indian contractors for Disadvantaged Business Enterprise (DBE) certification for work on the projects. The Tribes' DBE Goal Setting Committee representative shall be the TERO Director or designated representative. DBE goals will be established for the projects to reflect the construction capabilities of the DBE firms.

F. MDT will continue to work with the Tribes to increase the minority employment opportunities for Native American workers on these projects.

G. Trainees on federal-aid highway projects will be selected from a list provided by TERO from their apprenticeship program. The number of trainee positions for a project will be specified in the PSA.

III. Duration

This agreement shall be for a term of five (5) years, subject to the renewal provision of paragraph IV, unless terminated in writing by either party upon no less than sixty (60) days written

notice to the other.

The parties agree that, if any portion of this MOU is declared invalid or is otherwise determined to be unenforceable, the remainder of this MOU will remain in force and effect.

IV. Amendments, Renegotiation and Renewal

A. Any change, addition or modification affecting this MOU shall only be made in writing with the concurrence of both the Council and MDT.

B. Approximately six (6) months prior to the expiration of the initial five year term of this MOU, the parties shall meet to negotiate in good faith a renewal of the MOU for an additional five-year term, and thereafter shall meet to negotiate successive five-year renewals of the MOU. The parties in each negotiations of a renewal term shall seek to agree on any outstanding issues which have presented concerns pursuant to the terms and conditions of this MOU. The parties shall also seek to resolve any matters which may be of concern to future implementation of this MOU.

V. Liaison

The Director of MDT or designee will be the Liaison for MDT. All notices and communications between the parties with respect to this MOU shall be directed to both the Director and his designee, whose name shall be provided to the Council.

The Tribal President or designated representative will be the Liaison for the Council. All notices and communications between the parties with respect to this MOU shall be directed to the Tribal President, with copies to the above designee.

VI. Official Notice

Official notice required in this MOU shall be mailed postage prepaid to the following addresses, with copies to the Liaison for the parties:

Mr. Joe McConnell, President
Fort Belknap Community Council
Fort Belknap Agency
PO Box 249
Harlem, MT 59526-0249

Mr. Marvin Dye, Director
Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

VIII. Signatures


Tribal President

Date: 3-16-99, 1998 ³₂₂

Approved for Legal content:


Attorney for Fort Belknap Tribes


Director, MDT

Date: 3/22/99, 1998 ³₂₂


MDT Legal Services

APPROVED BY:

Christ P. Mazurek, Chief Counsel
for Joseph P. Mazurek
Attorney General, State of Montana

Date: 3-25-99, 1998/99

Carol A. Fenzel
Bureau of Indian Affairs
Acting Area Director

Date: Mar 33, 1998/99

Tom



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Montana State Office

5001 Southgate Drive, P.O. Box 36800

Billings, Montana 59107-6800

<http://www.mt.blm.gov/>

In Reply To:

Havre to Fort Belknap EIS

2800 (924.5) **RECEIVED**

OCT 10 2002

October 9, 2002

ENVIRONMENTAL

**MASTER FILE
COPY**

Ms. J. A. Riley, PE
Montana Department of Transportation
P.O. Box 201001
Helena, Montana 59620-1001

Dear Ms Riley

Thank you for your letter of September 17, 2002, notifying the Bureau of Land Management (BLM) of the proposed highway improvement project (US 2 Havre to Fort Belknap) in Hill and Blaine Counties, Montana. The Montana Department of Transportation (MDT) requests BLM to be a cooperating agency on this project, as an environmental impact statement (EIS) will be prepared. Although BLM appreciates the opportunity to participate, we do not see a need to be a cooperating agency because a review of the route reveals that US 2 crosses only a few small parcels of public land administered by BLM.

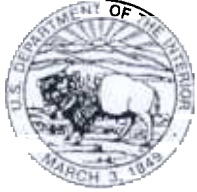
We would appreciate MDT providing a preliminary (rough draft) EIS when it is available for our review and comment.

Our staff at the BLM Havre Field Station office is available to discuss any aspects of the project as it affects the BLM-administered public land parcels. The principal contact would be Brandi Hecker, Natural Resource Specialist. She can be reached at 406-265-5891.

Sincerely,

Howard A. Lemm
Acting Deputy State Director
Division of Resources

CC:
Field Manager, Lewistown Field Office
Field Station Manager, Havre Field Station



United States Department of the Interior
RECEIVED

FISH AND WILDLIFE SERVICE
APR 12 2004 ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
ENVIRONMENTAL 100 N. PARK, SUITE 320
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

cc: Karl Helvik - Consult. Design
M. Johnson - G.F. District
Paul Ferry - Highway Eng - Preco
B. Steg - Env. Services
T. Riley - Env. Services
T. Goekesch - Env. Service
B. Effinger - Env. Service
File

M.17 FHWA Havre - Ft. Belknap (Hwy.2)

April 6, 2004

Bob Effinger
Montana Department of Transportation
Environmental Services
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001



Dear Mr. Effinger

This is in response to your letter dated February 20, 2004, regarding a joint proposal by the Federal Highway Administration and the Montana Department of Transportation to reconstruct approximately 72 kilometers of U.S. Highway 2 between Havre and Fort Belknap in Hill and Blaine Counties, Montana (PLH-TCSP 1-6(44)384; Control No. 4951). An environmental impact statement will be prepared for this segment of U.S. Highway 2. At this time, there are five proposed alternatives for this project, including: 1) no build; 2) improved two-lane; 3) improved two-lane with passing lanes; 4) four-lane undivided; and 5) four-lane divided. It does not appear that a preferred alternative has yet been selected. The build alternatives would all entail a full reconstruction of the highway with new horizontal and vertical alignments. The Milk River parallels U.S. Highway 2 in this area, and is crossed twice by the highway within the project area. In addition, six creeks, several irrigation canals, and a number of unnamed drainages and oxbow lakes are crossed by the project corridor. Your letter transmitted the final Biological Resources Report (BRR) for this project to the U.S. Fish and Wildlife Service (Service) and requested that the Service concur with its determination of effect for the threatened bald eagle (*Haliaeetus leucocephalus*) with regard to this proposed highway reconstruction project.

The four build alternatives proposed for this corridor would have similar impacts to listed species, although they would differ somewhat in their degree of impact. Of the four build alternatives, the improved two-lane would disturb the least amount of potential bald eagle habitat. However, the Service believes that the activities associated with any of the proposed project alternatives, as described in the BRR dated December 19, 2003, would not have the potential to cause an adverse effect to bald eagles. Therefore, we concur with the determination that this project would not be likely to adversely affect this species and formal consultation is not required. The Service bases its concurrence on information displayed in the BRR, and in particular the mitigation measures that accompanied the BRR that would be implemented as a

part of this project to assure that federally-listed species are not adversely affected by highway reconstruction activities.

This concludes informal consultation pursuant to regulations 50 CFR §402.13 implementing the Endangered Species Act of 1973, as amended (Act). This project should be re-analyzed if new information reveals effects of the action that may affect threatened or endangered species, if the project is modified in a manner that causes an effect not considered in this consultation, or if the mitigation measures are not fully implemented.

The Service appreciates your efforts to consider and conserve fish and wildlife resources, including threatened and endangered species. If you have questions about this letter or your responsibilities under the Act, please contact Mr. Scott Jackson, of my staff, at (406) 449-5225, extension 201.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Mark Wilson", with a stylized flourish at the end.

R. Mark Wilson
Field Supervisor

Copy to: Todd Tillinger, COE, Helena, MT



United States Department of the Interior

FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
MONTANA FIELD OFFICE

100 N. PARK, SUITE 320
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

MASTER FILE
COPY

NOV 04 2002

ENVIRONMENTAL

M.44 MDT (I)

October 31, 2002

Jean A. Riley
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, Montana 59620-1001

Dear Ms. Riley

This responds to your letter dated September 17, 2002, regarding a proposal by the Montana Department of Transportation (Department) to reconstruct a 72-kilometer portion of U.S. Highway 2 in Hill and Blaine counties, Montana (U.S. 2 Havre to Fort Belknap EIS; PLH-TCSP 1-6(44)384; Control No. 4951). Your letter requested that the U.S. Fish and Wildlife Service (Service) be a Cooperating Agency with regards to this project and also requested a list of threatened and/or endangered (T/E) species in the vicinity of this proposed project. The Service received your letter on September 19, 2002.

The Service agrees to be a Cooperating Agency for this project. As such, the Service will review and respond to documents required for compliance with the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

In accordance with section 7(c) of the Act, the Service has determined that the following threatened, endangered, proposed, and candidate species may be present in the project corridor:

Listed Species

Expected Occurrence

black-footed ferret (*Mustela nigripes*); endangered

potential occurrence within prairie
dog complexes

bald eagle (*Haliaeetus leucocephalus*); threatened

spring or fall migrant

Proposed Species

mountain plover (*Charadrius montanus*); proposed as
threatened

potential occurrence in shortgrass
prairie habitat

Candidate Species

black-tailed prairie dog (*Cynomys ludovicianus*)

possible occurrence in shortgrass prairie

Section 7(c) of the Act requires that Federal agencies proposing major construction activities complete a biological assessment to determine the effects of the proposed actions on listed and proposed species and use the biological assessment to determine whether formal consultation is required. A major construction activity is defined as "a construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act (NEPA)" (50 CFR Part 402). If a biological assessment is not required (i.e., all other actions), the Federal agency is still required to review their proposed activities to determine whether listed species may be affected. If such a determination is made, formal consultation with the Service is required.

For those actions wherein a biological assessment is required, the assessment should be completed within 180 days of initiation. This time frame can be extended by mutual agreement between the Federal agency or its designated non-Federal representative and the Service. If an assessment is not initiated within 90 days, this list of T/E species should be verified with the Service prior to initiation of the assessment. The biological assessment may be undertaken as part of the Federal agency's compliance of section 102 of NEPA and incorporated into the NEPA documents. We recommend that biological assessments include the following:

1. A description of the project.
2. A description of the specific area that may be affected by the action.
3. The current status, habitat use, and behavior of T/E species in the project area.
4. Discussion of the methods used to determine the information in Item 3.
5. An analysis of the affects of the action on listed species and proposed species and their habitats, including an analysis of any cumulative effects.
6. Coordination/mitigation measures that will reduce/eliminate adverse impacts to T/E species.
The expected status of T/E species in the future (short and long term) during and after project completion.
8. A determination of "is likely to adversely affect" or "is not likely to adversely affect" for listed species.
9. A determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed species.
10. Citation of literature and personal contacts used in developing the assessment.

If it is determined that a proposed program or project "is likely to adversely affect" any listed species, formal consultation should be initiated with this office. If it is concluded that the project "is not likely to adversely affect" listed species, the Service should be asked to review the assessment and concur with the determination of no adverse effect.

Pursuant to section 7(a) (4) of the Act, if it is determined that any proposed species may be jeopardized, the Federal agency should initiate a conference with the Service to discuss conservation measures for those species. For more information regarding species of concern occurring in the project area, including proposed and candidate species, please contact the Montana Natural Heritage Program, 1515 East 6th Ave., Helena, 59601, (406)444-3009.

A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare biological assessments. However, the ultimate responsibility for Section 7 compliance remains with the Federal agency and written notice should be provided to the Service upon such a designation. We recommend that Federal agencies provide their non-Federal representatives with proper guidance and oversight during preparation of biological assessments and evaluation of potential impacts to listed species.

Section 7(d) of the Act requires that the Federal agency and permit/applicant shall not make any irreversible or irretrievable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.

Power lines in the vicinity, if not properly constructed, could pose electrocution hazards for bald eagles. To conserve eagles and other large raptors protected by Federal law, we urge that any power lines that need to be modified or reconstructed as a result of this project be raptor-proofed utilizing criteria and techniques similar to those outlined in the publication, "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996." A copy may be obtained from: Jim Fitzpatrick, Treasurer, Carpenter Nature Center, 12805 St. Croix Trail South, Hastings, MN 55033. The use of such techniques would likely be most beneficial adjacent to expected raptor foraging areas (i.e., stream crossings, wetlands that support populations of waterfowl, or upland areas that support high populations of raptor prey species).

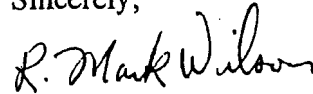
Your letter does not mention whether wetlands might be impacted by the proposed highway and bridge reconstruction project. If so, Corps of Engineers (Corps) Section 404 permits may eventually be required. In that event, depending on permit type and other factors, the Service may be required to review permit applications and will recommend any protection or mitigation measures to the Corps as may appear reasonable and prudent based on the information available at that time.

The Service recommends that the Department strongly consider clear-spanning the streams crossed by this project, if possible, to avoid placement of structures in stream channels. Bridge abutments and piers, and their attendant riprap, that are located in the stream channel or encroach upon it can constrict flows, increase erosion and affect bedload movement both up and down stream of the structure, resulting in significant effects to the physical, chemical and biological dynamics of the stream and its associated aquatic resources. If instream structures are proposed, the Service recommends that the direct, indirect and cumulative impacts of those structures be analyzed, along with future activities related to scour protection and bank stabilization that are often required to maintain such structures. The Service encourages the implementation of measures designed to offset these impacts, such as the construction of additional bridge length as a means of ameliorating long-term stream corridor impacts.

Your letter also requested information regarding any Service lands that may be affected pursuant to Section 4(f) of the 1966 Department of Transportation Act (49 U.S.C. 303). We are not aware of any Service-owned or administered lands, or other resources protected under S.4(f) that may occur near, or be impacted by, the proposed project.

The Service acknowledges the Department's efforts to minimize impacts to fish and wildlife resources that may result from the construction, use, and maintenance of Montana's transportation systems. If you have questions regarding this letter, please contact Mr. Scott Jackson, of my staff, at (406)449-5225, extension 201.

Sincerely,

A handwritten signature in black ink that reads "R. Mark Wilson". The signature is written in a cursive style with a large, stylized "W".

R. Mark Wilson
Field Supervisor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
RECEIVED FEDERAL BUILDING, 10 West 15th St. Suite 3200
HELENA, MONTANA 59626
OCT 29 2002
ENVIRONMENTAL

MASTER FILE
COPY

Ref: 8MO

October 24, 2002

Ms. Jean A. Riley, P.E.,
Montana Dept. of Transportation
Engineering Section Supervisor
Environmental Services
2701 Prospect Ave.
Helena, Montana 59620-1001

Re: US 2 Havre to Fort Belknap EIS

Dear Ms. Riley:

This is in response to your letter dated September 17, 2002 requesting EPA to be a Cooperating Agency with the Montana Dept. of Transportation (MDOT) on the above referenced highway improvement project.

The EPA is interested in providing meaningful and early input on environmental issues of concern for this project. We are particularly interested in helping to ensure that proper river, wetland, and surface and ground water quality, hazardous waste issues, and air quality protection considerations are incorporated into the US 2 Havre to Fort Belknap project. The Agency, however, has resource limitations and other program commitments which will have to limit the degree and extent of EPA's participation in the EIS preparation process. These resource constraints and other program commitments make it difficult for me to agree to full fledged participation as a Cooperating Agency during the preparation of the EIS (see 40 CFR 1501.6(c)).

EPA will be reviewing and providing comment on the draft and final EIS's for this project in accordance with Section 309 of the Clean Air Act. The EPA provided EIS scoping comments for this project on August 28, 2002. Mr. Steve Potts, EPA Montana NEPA Coordinator, will be involved in EPA's review of the EIS, and will provide input and comment during EIS preparation as resources, workload, and schedules allow. We will try to review and comment upon preliminary EIS documents as much as our workload and schedules allow. We encourage you to send us the rough draft DEIS.



I hope you understand our resource constraints. If you have any questions or would like to discuss this matter further please feel free to call me at (406) 457-5001. You may contact our NEPA Coordinator, Mr. Steve Potts at (406) 457-5022. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "John F. Warden". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

John F. Warden
Director
Montana Office

cc Cynthia Cody, EPA, 8EPR-N, Denver
Karl Helvik, MDOT, Consultant Design, Helena
Darrin Grenfell, FHWA, Helena



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096
HELENA, MONTANA 59626-0096

Ref: 8MO

August 28, 2002

Mr. Dale Paulson,
Program Development Engineer
Federal Highway Administration
2880 Skyway Drive
Helena, Montana 59602

and

Mr. Carl Helvik
Consultant Design
Montana Dept. of Transportation
2701 Prospect Ave., P.O. Box 201001
Helena, MT 59620-1001

Date Recd Preconst 9-4-02

Act	Info	MAIL ROUTE	Attach	Initial
	✓	30 Preconst Engr	✓	
	✓	30 Assistant	✓	
		30 Office Mgr		
		31 Safety Mgmt.		
		32 Road Design		
	✓	33 Environment	✓	
		34 Hydraulics		
		35 Survey & Mapping		
		36 Traffic Eng		
	✓	39 Consultant Dsn.	✓	
		M.P. Johnson		
	✓			✓

PLH TCSP 1-6(44)384 CN4951
Re: U.S. Highway 2 in Hill and Blaine Counties,
Montana, EIS

Dear Mr. Paulson and Mr. Helvik:

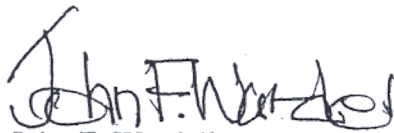
The U.S. Environmental Protection Agency (EPA) has reviewed the August 7, 2002 Federal Register Notice of Intent to prepare an Environmental Impact Statement for improvements to U.S. Highway 2 in Hill and Blaine Counties, Montana. The EPA reviews EISs in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. The EPA's comments will include a rating of both the environmental impact of the proposed action and the adequacy of the NEPA document. A summary of EPA's rating system is enclosed for your information.

We are enclosing our generic scoping comments for highway projects regarding issues that we believe are significant and should be evaluated in the highway EIS's. We have reviewed these scoping comments with regard to the brief information included in the Notice of Intent to help assure that they are relevant to this proposed project. Our experience has shown that when environmental concerns are thoroughly evaluated, the EIS is a more meaningful document. We appreciate the opportunity to review this project and provide scoping comments.



Thank you for your willingness to consider our comments at this stage of the process, and we hope they will be useful to you. If you have any questions you may contact Mr. Steve Potts of my staff in Helena at (406) 457-5022, or in Missoula at (406) 329-3313.

Sincerely,

A handwritten signature in dark ink, appearing to read "John F. Wardell". The signature is fluid and cursive, with the first name "John" being the most prominent.

John F. Wardell
Director
Montana Office

Enclosures

cc: Cindy Cody/Julia Johnson, EPA, 8EPR-N, Denver
Todd Tillinger, Corps of Engineers, Helena

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)
SCOPING COMMENTS REGARDING
HIGHWAY CONSTRUCTION
ENVIRONMENTAL IMPACT STATEMENTS**

The following comments are designed to provide a scope of issues, consistent with EPA's concerns, that will help in the creation of an environmental impact statement (EIS) for a highway improvement or development project. EPA appreciates the effort and resources that are committed to the preparation of documents of this nature and hopes to facilitate the process with these comments.

Each project analysis has its own unique scope, affected environment, past and proposed impacts, and will require its own level of analysis. For this reason, it is not our intent to provide either a checklist or standard format. Instead, we have attempted to present the primary issues we consider most relevant for this type of project as well as those items that have occasionally not been sufficiently addressed in similar analyses. Our goal of this discussion is to provide a basis for conducting the project analysis that results in a comprehensive assessment of the environmental effects, public disclosure of all foreseeable direct, indirect, and cumulative environmental impacts, and ultimately an improved decision-making process for selecting among the project alternatives. We sincerely hope that this will be beneficial to you and would appreciate any comments or questions regarding the issues discussed.

All activities and associated impacts related to project implementation must be disclosed. Clear, in-depth analysis of all relevant issues is a requirement in the creation of an EIS. Readability, a logical presentation of information, consistency between sections of the assessment and clarity are important to the reader. Statements made in the assessment should be substantiated either by data and analysis included in the document, or by reference to readily available supporting documents. When referencing documents or data not included in the NEPA document, a summary, matrix or data table displaying the information should be included to ensure the reader understands the quality and type of analysis actually completed. Environmental analysis documents frequently do not reflect the level of analysis and data compilation actually completed. Unless clearly documented, the reviewer is unable to establish whether data exists to support conclusions within the analysis.

If applicable, guiding documents that this analysis is tiered to, such as a programmatic Environmental Impact Statement, must be identified as well as any Standards and Guidelines or any project-specific requirements the controlling document prescribes for the type of proposal being analyzed. Additionally, more specific measures are often developed for individual alternatives to mitigate their particular impacts. These measures, as well as their anticipated effectiveness in accomplishing the planned purpose must also be disclosed.

When issued, EPA will review this EIS in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and the Clean Air Act. Specifically, Section 309 of

the Clean Air Act directs EPA to review and comment in writing on the environmental impacts associated with all federal draft and final EIS's.

NEPA Issues

1 Purpose and Need,

Documents must have a clear and logical Purpose and Need Statement, including adequate explanation of the need for the project and rationale for the establishment of the analysis area boundary. An appropriate analysis area should encompass the environment potentially affected by implementation of the alternatives, and should be able to serve as a baseline to compare projected impacts and for measuring actual effects. Highway projects are generally confined to the narrowly defined impact areas along the roadway. However, potential impacts to biodiversity, wildlife and fish, water quality, air quality, wetlands, stream drainage patterns, fragmentation and connectivity to other projects, and socioeconomics, may extend beyond such boundaries. An appropriate analysis area should encompass the potentially affected environment, and should be able to function as appropriate unit of analysis for projecting anticipated impacts and for measuring actual effects.

2. Alternatives

The EIS should support the purpose and need with a range of alternatives that will meet the objectives of the purpose and need and that address issues of concern. The alternatives should:

- a. Rigorously explore and objectively evaluate all reasonable alternatives that meet the purpose and need for the project.
- b. Include reasonable alternatives not within the jurisdiction of the lead agency.
- c. Include a no action alternative. The no action alternative should be constructed to cover a period at least equal to the time over which environmental effects will be evaluated.
- d. Identify the agency's preferred alternative(s).
- e. Include appropriate mitigation measures not already included in the proposed action or alternatives.

Also, if there are any proposed nearby actions or adjacent developments that are closely related to the proposed action it would be appropriate to analyze and discuss those related developments as a connected action (40 CFR 1508.25).

We recommend that tables, maps, and figures, be used to present and display specific features of alternatives so that features of the different alternatives can be understood and evaluated in a comparative manner. Modified alignments and varying design standards should be considered among the features of alternatives. It is helpful if the rationale for inclusion and location of features is also discussed. Such rationale enhances public understanding of the proposed project, better achieves the public disclosure purpose of the EIS, and better explains to the public the trade-offs involved in making transportation design decisions.

3. Existing Conditions

The EIS should succinctly describe the existing conditions (using watershed analysis where applicable) within the analysis area. The discussion of existing conditions should include but are not limited to a discussion of existing:

1. Water Resources
2. Air Quality (Present summary of monitoring data if available)
3. Wildlife Effects
4. Noise

More detailed information on these topics follows in the "**Resource Issues**" section

4. Indirect Effects

The Council of Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA state that the environmental consequences section of an EIS should include: "Indirect effects and their significance (40 CFR 1502.16(b))." Indirect effects are defined as "...caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include **growth-inducing effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.**" (40 CFR 1508.9(b)) The CEQ regulations also indicate that the EIS should include the "means to mitigate adverse environmental effects." (40 CFR 1502.16(h)) This provision applies to indirect effects as well as direct effects. Since the CEQ regulations require an analysis of indirect effects, the best time to identify these effects is now, when there is better opportunity to avoid, minimize or mitigate for them.

New highway construction that improves traffic flow and eliminates congestion could increase access and contribute to induced residential, commercial, and industrial growth. In many situations, one can argue that this type of growth is an inevitable, natural progression. However, *increased rates of growth* in these areas, caused by a highway project, constitute indirect effects and should be evaluated in the EIS. Induced residential, commercial, and industrial growth can adversely affect water quality, wetlands, wildlife habitat loss and fragmentation, urban sprawl, loss of rural character, farm land and other natural resources.

Roads can change land use and the face of the landscape, and contribute to the loss of the very values people seek in an area. Road projects often result in induced growth effects (sprawl), and stimulate increased use of privately owned vehicles and vehicle miles traveled. This in turn, leads to increased auto dependency. These types of indirect effects and appropriate mitigation measures should be fully disclosed in the EIS.

The following list represents examples of resources that could be affected by increased growth and urbanization induced by the proposed highway improvements:

- water quality and hydrology of lakes, streams, and ground water;
- floodplains and wetlands;
- vegetation and wildlife;
- biodiversity;
- prime and unique farmlands;
- air quality;
- transportation;
- regional and community growth; and
- land use, property values, employment, and tax revenues.

Much of the mitigation for indirect effects is subject to regulation by the city/county in which the highway will be constructed. The EIS should serve the function of offering the city/county adequate notice of the foreseeable environmental consequences, thus providing the opportunity to plan and implement corrective measures, if needed, in a timely manner.

The EIS should identify the local land use controls that affect or regulate new development with regard to induced growth. If this analysis occurs before the highway project is completed, the city/county will be in a better position to effectively plan for future growth and develop mitigation measures for the impacts resulting from induced growth. Although the analysis of indirect effects should not rely solely on compliance with existing comprehensive land use plans. While comprehensive land use plans are an important component of the analysis of indirect effects, compliance with these plans could still result in adverse environmental effects.

The EPA publication "Transportation Planning in the Northwest; Framework for Sustainability" (see copy enclosed), suggests that sustainable solutions to transportation problems are more likely to be realized by focusing on longer-term approaches that provide increased transportation choices (multi-modal mobility), that bring people to the activities or the activities to the people (accessibility), that foster community vitality, environmental justice, and quality of life (livability), and that meet our social, economic, and ecological needs without compromising the ability of future generations of all species to do likewise (sustainability).

Transportation solutions that shift the focus from addressing only mobility in terms of level of service (speed), to solutions that focus on achieving multi-modal mobility, accessibility,

livability, and sustainability should be considered. A package of alternatives could include alternative transportation modes, trip reduction, land use adjustments, parking controls, pricing mechanisms, other incentives and/or disincentives, new route design or traffic circulation patterns, and more. We encourage planners and decision makers to think in terms of reducing transportation demand, and where demand exists, address the real and underlying transportation need: to move people and goods --- *not necessarily cars*.

5. Cumulative Effects

NEPA requires that cumulative impacts be addressed as a summary of the individual impacts of this and all other past, present, and "reasonably foreseeable" future plans and actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions. The cumulative, site-specific effects of these projects on the analysis area's environment must be analyzed and disclosed. This should include identification of all the direct and indirect effects that are known, and a good faith effort to explain the effects that are not known but are reasonably foreseeable.

In January 1997 the President's Council on Environmental Quality (CEQ) published, "*Considering Cumulative Effects Under the National Environmental Policy Act*", guidance that provides a framework for analyzing cumulative effects. In May 1997 EPA published a document entitled, "*Consideration of Cumulative Effects in EPA Review of NEPA Documents*." This document can be found at <http://es.epa.gov/oeca/ofa/legis.html> (Click on cumulative effects document title). The cumulative effects analysis should:

- 1) Identify the area in which effects of the proposed project will be felt.
- 2) Determine resources within the project impact area that could be affected by the proposed action, particularly the resource most likely to be significantly impacted (i.e., resources of concern), and determine the geographic areas in which those resources will be affected. The important factor in determining cumulative impact is the condition of the resource (i.e., the extent to which it is degraded).

Use appropriate analysis area boundaries for the resource and time period over which the cumulative effects have occurred or will occur. In most cases, the largest of these areas will be the appropriate area for analysis of cumulative effects. The selection of geographic boundaries and time periods should be, whenever possible, based on the natural boundaries of resources of concern (e.g., watershed boundary for water quality issues). The temporal scope requires estimating the length of time that effects of the proposed action singly or in combination with other anticipated actions will last and be significant to the resources of concern. The period of time that the proposed action's impacts persist can extend beyond the project life. The analysis should extend until the resources have recovered from the impact of the proposed action.

3) Identify impacts that are expected to resources of concern in that area from the proposed project through analysis of cause-and-effects relationships. Knowing how a particular resource responds to environmental change (cause-and-effect relationship) is essential for determining the cumulative effects of multiple actions. Cause-and-effect pathways should be identified to understand how the resources respond to environmental change (i.e., what the effect is). The cause-and-effect relationships for each resource should be understood to determine the magnitude of the cumulative effect resulting from all actions included in the analysis.

4) Identify other actions -past, present, and reasonably foreseeable future actions- that have had or are expected to have impacts in the same area, and the impact or expected impacts from these other actions. Even unrelated actions conducted on by other agencies or persons on all land ownerships, if they contribute to cumulative effects on a resource, should be incorporated into the analysis.

The identification of the effects of past actions is critical to understanding the environmental condition of the area. The EIS should consider how past and present activities have historically affected and continue to affect the resources, ecosystems, and communities of concern. The concept of a baseline or environmental reference condition against which to compare predictions of the effects of proposed actions and reasonable alternatives is critical to the NEPA process. The baseline condition of the resource of concern should include a description of how conditions have changed over time and how they are likely to change in the future with and without the proposed action.

It is also important to incorporate future actions of agencies and the public into cumulative impact analyses. Good cumulative effects analysis requires close coordination among agencies and the public to ensure that all past, present and reasonably foreseeable future actions are considered. Reasonably foreseeable future actions need to be considered even if they are not specific proposals. The criterion for excluding future actions from analysis whether they are "speculative." In general future actions can be excluded from the analysis of cumulative effects if: a) the action is outside the geographic boundaries or time frame established for the cumulative effects analysis; b) the action will not affect resources of concern that are the subject of the cumulative effects analysis; and c) including the action would be arbitrary.

5) Determine the overall cumulative impacts that can be expected if the individual impacts are allowed to accumulate, and provide comparisons of cumulative impacts for the proposed actions and the reasonable alternatives in relation to the no action alternative and/or an environmental reference point. The analyses should provide a clear basis for choice among options by the decision maker and the public. Monitoring should be put in place to evaluate predictions and mitigation effectiveness.

A common inadequacy of documents is the lack of analysis or disclosure of the sum of individual effects of all projects on the local environment. A summary listing of other projects occurring in the vicinity without the accompanying analysis is insufficient. Connected actions which result in increased cumulative effects are of concern to the EPA. Some examples are:

- o Linked Developments - If the construction of a new road or reconstruction of an existing road will likely facilitate or cause additional developments, the effects of these linked impacts must also be analyzed.
- o Maintenance and Debris Disposal - Road standards and design have a major effect on scheduled and unscheduled maintenance needs. The needs for normally scheduled maintenance debris from ditch cleaning, sanding as well as anticipated but unscheduled maintenance, such as debris from slumps, should be analyzed and planned for during the design phase of construction and reconstruction projects. Past practices of expediently sidecasting material over the shoulder, filling depressions and widening shoulders have an adverse effect on wetlands and riparian areas and are inappropriate. Plans for long term normal as well as emergency maintenance programs should be disclosed in the NEPA document and a specific site disposal plan describing proper site development, disposal of debris and timely rehabilitation of completed portion to prevent invasion by noxious or undesirable vegetation should be prepared. Plans for management of roadside vegetation through the use of herbicides also require disclosure.
- o Winter maintenance - The EPA is concerned about the proximity of wetlands, riparian areas and streams to many roads. Winter maintenance often results in the introduction of sediment and salt either directly or indirectly to the stream and associated riparian and wetland resources. The impacts of winter maintenance activities are more a matter of a long term indirect and cumulative effects than of one specific incident. Snow plowing subsequent to sanding moves sand and salt off the roadbed to the adjacent ditchline and fill slopes. It then migrates downhill until it is deposited in streams or forms a carpet on gentle ground. When this occurs in a wetland, the area's functional abilities are altered. When winter maintenance may potentially affect wetlands, riparian areas or water quality, the effects of the program must be disclosed in a NEPA document. This should include the steps taken to minimize and mitigate the unavoidable effects on waters of the United States (i.e. sediment traps, reuse of sanding material, maintenance program requirements, etc.) as well as a discussion of the effects themselves.

Road agencies often initiate winter maintenance on roads neither designed nor previously managed as all-weather roads. Therefore, even if winter maintenance is not anticipated at the time the NEPA document is developed, it must still be analyzed. Alternatively, a mechanism may be initiated that would explicitly disallow the practice of winter maintenance until documentation of the effects of such a program and its associated impacts is completed.

Route selection, alignment, road design standards, key topographic features, and the linear nature of roads often result in a road which has a predilection to affect a particular component of the environment. The classic example of this is the road in the bottom of a narrow valley and its effects on the stream and associated riparian and wetland areas and resident wildlife. Construction of long, continuous segments of guardrail and snowplowing may also have unfortunate effects on wildlife. These types of effects must be disclosed.

6. Mitigation

A comprehensive discussion of proposed mitigation for direct, indirect and cumulative impacts is required by the CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1502.14(f)). The CEQ regulations state that an EIS should include the means to mitigate adverse environmental effects (40 CFR 1508.7). Mitigation measures must be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated. A reasoned analysis of potential detrimental effects and measures to mitigate those effects is required. Simply listing the mitigation measures is insufficient to qualify as the reasoned discussion or "hard look" required by NEPA.

Judicial reviews of NEPA cases have supported not only the need for identifying mitigation measures, but for discussing mitigation effectiveness as well. The EIS should provide a quantitative (if possible) and/or a qualitative description of site-specific mitigation effectiveness. Mitigation effectiveness is determined by using a monitoring procedure designed to compare baseline data with existing conditions. It should also address coordination efforts required to undertake mitigation measures.

Resource Issues

1. Water Resources

Surface Water

Highway construction and completed highway projects can result in increased surface water runoff, stream channel alteration, wetland modification and other water quality related problems. The document should clearly describe water bodies within the analysis area which may be impacted by project activities. Identifying affected watersheds on maps of the various alternatives helps convey their relationship with project activities.

The EPA considers the collection of baseline water quality and aquatic habitat data at the project level important to provide a comparison with projected impacts as well as actual project impacts. Water quality and aquatic habitat impacts associated with implementation of the alternatives should be fully evaluated and disclosed. Where water quality and aquatic habitat information for individual water bodies exists, it should be presented. This would include

inventories; baseline data information such as temperature, sediment, turbidity, channel morphological conditions, the presence of toxic substances; water quality and the existence of any known point or non-point pollution sources or other problems. Other information relevant to the analysis, such as aquatic species habitat and the condition and productivity of that habitat, should also be included.

Existing water quality standards applicable to the affected water bodies should be presented to provide a basis for determining whether beneficial uses will be protected and water quality standards met. The EIS should clearly demonstrate that project implementation will comply with State Water Quality Standards (ARM 17.30 Subchapter 6), including an antidegradation analysis, as specified in the EPA Antidegradation Policy (40 CFR 131.12) and Montana Nondegradation Rules (ARM 17.30 Subchapter 7).

The EIS should provide a quantitative basis to judge whether biological, chemical, and physical parameters, such as sediment accumulation, organic, microbial, and nutrient loading, temperature, turbidity, and aquatic habitat, will be kept at levels that will protect and fully support designated uses and meet State Water Quality Standards under each of the action alternatives.

A discussion of area developments, geology, topography, soils and stream stability in terms of erosion and mass failure potential may be necessary to adequately portray the potential risk to water quality, aquatic habitat and other resources from the implementation of specific alternatives.

Section 319 of the Clean Water Act requires that Federal actions be consistent with State Nonpoint Pollution Management Plans. The Federal consistency provisions of Section 319 represent an opportunity for State and Federal agencies to more closely coordinate their activities and cooperate in achieving water quality goals. If a state determines that a Federal project is not consistent with the provisions of the non-point source pollution program, the Federal agency must make efforts to accommodate the State's concerns. Executive Order 12372 provides guidelines for using the State intergovernmental review process for conducting Section 319 federal consistency reviews.

The appropriate State-identified Best Management Practices to reduce potential non-point sources of pollution from highway construction and maintenance must be designed into the alternatives under consideration and disclosed. Existing water quality conditions in NEPA documents should reflect the State's water quality assessment. Direct or indirect non-point source water quality effects should be reduced through design and through mitigation measures to ensure consistency with the state's non-point source pollution program. The State contact for Federal consistency and non-point source pollution issues is, Mr. Jim Bauermeister at MDEQ in Helena at 444-6771.

Fisheries information such as fish species present, populations, and important fisheries habitats such as spawning gravels, over-wintering pools, etc., should be described and project effects upon fisheries disclosed. The EIS should clearly describe the effect of each alternative on

designated uses for area surface waters with particular attention to fisheries spawning and rearing habitat. It should also identify which water quality parameters, if any, are limiting factors to local fisheries under each alternative. This information should identify the extent to which fish habitat could be impaired by road construction activities including effects on stream structure, seasonal and spawning habitats, large organic material supplies, and riparian habitats. Impacts to biota and stream stability and deposition patterns due to restrictions in stream bedload transport by highway bridge spans and/or culverts should be evaluated and disclosed.

303(d) Listed Water Bodies & TMDLs

Project area water bodies with impaired water quality listed by the State in its Clean Water Act Section 303(d) report should be identified. See the Montana Department of Environmental Quality (MDEQ) website, http://www.deq.state.mt.us/ppa/mdm/303_d/303d_information.asp for identification of water bodies on the Montana 1996 and 2000 303 (d) lists. You may also obtain 303(d) listing information from Mr. Bob Barry of the MDEQ in Helena at 444-5342. The EIS should: indicate which years 303(d) list the streams are listed for (e.g., 1996, 2000); describe the magnitude and sources of water quality impairment; and identify the specific parameters resulting in the 303(d) listing. By our records the Milk River, Fresno Reservoir, and Sage, Beaver, Bull Hook, Little Box Elder, Cow, Peoples, Lodge, Battle, Black Coulee, and Eagle Creeks were all listed on Montana's 1996 303(d) list.

Water quality limited water bodies on the State 303(d) list need to have a Total Maximum Daily Load (TMDL) prepared by the State to promote their recovery. The TMDL process identifies the maximum load of a pollutant (e.g., sediment, nutrient, metal) a waterbody is able to assimilate and fully support its designated uses; allocates portions of the maximum load to all sources; identifies the necessary controls that may be implemented voluntarily or through regulatory means; and describes a monitoring plan and associated corrective feedback loop to insure that uses are fully supported.

The Highway Agencies should contact the MDEQ to determine the status of the State's TMDL development efforts in the 303(d) listed drainage, and to assure that the proposed highway improvements are consistent with the State's TMDL development (contact Jim Bauermeister of MDEQ in Helena at 444-6771). The EIS should include discussion of the water quality and hydrologic condition of the listed streams in the project area (actually such information should be presented for all streams in the project area). In addition it is helpful if the Court required TMDL approval deadline for the 303(d) listed streams located in the project area watersheds are identified.

The EIS should describe how the proposed project might affect the impaired streams, particularly how the water quality parameters causing the impairment and 303(d) listing may be effected. The proposed project should avoid aggravating the water quality impairment. Proposed highway improvements should be discussed with MDEQ and any local watershed

groups that are involved in preparing TMDLs and watershed restoration plans for the impaired streams. The MDEQ should be asked to indicate if the proposed highway improvements are consistent with the State's development of TMDLs for the water quality impaired streams.

Storm Water Runoff

Storm water discharges associated with highway construction are an industrial activity according to EPA's Storm Water Regulations (40 CFR 122.6). Highway construction projects must obtain an NPDES (MPDES in Montana) storm water permit if construction activities will disturb five or more acres of land. For projects within the jurisdiction of small municipalities (less than 100,000 people), and under five acres, other requirements may apply. Construction activities may be covered by a general NPDES (MPDES) permit rather than an individual permit. If a storm water permit is required, on site notification must be posted, along with a pollution prevention plan.

Normal highway runoff, aside from significant spills of hazardous material, contains contaminants which could affect surface and ground water quality. The EIS should characterize the quality of streams, lakes, and ground water resources in the vicinity of the project as well as the quality of the anticipated highway runoff. Provisions for hazardous waste containment in case of a spill, and means of collection and treatment of storm water runoff should also be included.

If there are any questions about storm water permitting activities, contact Gwen Jacobs of EPA at 457-5023. The State contact for storm water permitting activities is Nick Bugosh of MDEQ at 444-3927.

Antidegradation/Nondegradation Policy

Activities associated with highway construction projects, particularly when considering the cumulative effects of emergency and scheduled repairs and maintenance, have the potential to degrade water quality. If an antidegradation analysis is required as specified in 40 CFR 131.12 [also see 40 CFR 131.12(a)(2); E.O. 12088 (CWA Section 313); and E.O. 12372 (CWA Section 319)], and/or Nondegradation analysis as specified in ARM 17.30.701-717, they must be included in the document.

These policies were developed to assure that designated surface water uses will not be degraded. Antidegradation/Nondegradation Policies provide protection for surface waters that currently meet Water Quality Standards (Tier 1 waters), currently exceed Water Quality Standards (Tier 2 waters), and/or are considered of outstanding value (Tier 3 waters).

The State determines the "Tier" of a waterbody under this policy, although EPA can provide guidance on determining surface water quality status. The policy's three tiers of protection are:

Tier 1: No activity is allowed which would partially or completely eliminate any existing beneficial use of a waterbody, regardless of whether that use is designated in a state's Water Quality Standards. If a proposed activity would partially or completely eliminate a beneficial use, it must be avoided or adequate preventive measures must be taken to ensure that existing uses and associated surface water quality will be fully maintained.

Tier 2: The quality of surface waters exceeding "fishable/swimmable" levels (i.e., "high quality waters"), shall be maintained and protected unless the following are completed:

- (1) A finding that degradation is necessary to accommodate important economic or social development in the area in which the waters are located;
- (2) Full satisfaction of all intergovernmental coordination and public participation provisions; and
- (3) Assurance that the highest statutory and regulatory requirements and standards for pollutant controls are met.

This provision is intended to provide relief only in extraordinary circumstances where the economic and social need for an activity clearly outweighs the benefit of maintaining surface water quality over that required for "fishable/swimmable" water. The burden of proof on a project proponent for such activity is very high. However, the proposed activity shall not preclude the maintenance of a "fishable/swimming" level of surface water quality.

Tier 3: "High quality waters" which are considered outstanding national resources shall be maintained and protected.

Ground Water

Ground water under a highway construction area may serve as a drinking water supply and/or a recharge source of nearby surface water bodies. Accordingly, contamination from highway construction activities could have an adverse public health or ecological impact on such resources. An assessment of activities and potential contaminants used in the highway project should be conducted to determine risk of the project to ground water. Mitigation measures should be developed to assure that the ground water is adequately protected from the identified risks.

With regard to water supply wells or springs, the Department of Transportation needs to

work with State environmental authorities and water purveyors (including private well owners) to identify what part, if any, of the project crosses present or planned water supply recharge areas. Highway authorities should also determine whether the project is located in a delineated Source Water Protection Area. Locally mandated wellhead program mitigation measures should be followed to protect the water supplies. The state contact for the Source Water Protection Program is Joe Meek at MDEQ at 444-4806 or Julie Dalsoglio at EPA at 457-5025.

Underground Storage Tanks

EPA considers leaks from Underground Storage Tanks (UST's) a serious threat to human health, soil, and ground water resources. Unidentified UST's containing petroleum and hazardous substances could be encountered during highway construction. Many of these tanks have been abandoned and still contain petroleum residues. If any UST's are found in the proposed right-of-way Tillman McAdams of EPA at 457-5015 must be notified. The State contact for UST's is Jim Hill of MDEQ at 444-0481.

The EIS should address any known impacts associated with the closure (in situ or removal) of the tanks. For unknown impacts the EIS should address site assessments, initial response (if a leaking tank is discovered), corrective action plans to treat contamination caused by leaking UST's, disposal procedures for the tank, and contaminated soils and ground water.

Hazardous Waste Sites

Highway routes and potential rights of way should be examined for proximity to hazardous waste sites. Projects that located near hazardous waste sites should provide mitigation measures that will safely avoid hydrologic and other disturbances of these sites. Mr. Mike Trombetta of MDEQ at 444-5877 or Susan Zazzali of EPA at 457-5019 may be contacted as an information source for hazardous waste sites in the area. A commonly used source for identification of known hazardous waste sites is the CERCLIS inventory generated from the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

Wetlands

The document must clearly describe the existing wetlands within the analysis area; their acreage, type and ecological role and how both acreage and function will be protected. Road construction clearing and earthwork generally include sedimentation and hydrologic impacts which at some level may cause changes to surface and subsurface drainage patterns and, ultimately, wetland integrity and function. Executive Order 11990 requires that all Federal Agencies protect wetlands.

For purposes of Clean Water Act section 404 permits where dredge or fill activity is proposed in waters of the United States, all aquatic resource areas, including wetlands, should be clearly identified and assessed in relation to project impacts. Wetlands are one of a number of

"Special Aquatic Sites" referenced in the section 404(b)(1) Guidelines. The section 404(b)(1) Guidelines provide the substantive environmental criteria for protecting waters of the U.S. under section 404 of the Clean Water Act. Wetlands are significant environmental resources that provide a wide range of important functions and values. They have experienced severe cumulative losses nationally. For these reasons protection of wetlands and other important aquatic resource habitats is a high EPA priority.

Wetlands in the project area should first be identified and delineated consistent with the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, Final Report and its recent guidance on implementation. Delineation should be followed by a functional assessment to determine the extent and importance of existing wetland and aquatic resources. Several options such as the Hydrogeomorphic (HGM) Wetland Assessment Method are available for use in determining wetland and associated aquatic resources functions and their values. Any special features such as rare or unique habitats should receive special attention. Once the wetland functions are defined, the possibilities for mitigating potential impacts can be explored.

Avoidance of wetland losses is a primary requirement of the Section 404(b)(1) guidelines [40 CFR 230.10(a)]. The Corps of Engineers and EPA, through their Mitigation Memorandum of Agreement, state they will ".... strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall net loss of values and functions." Planning and design should seek to avoid impacts wherever possible, to minimize impacts which are unavoidable, and, as a final alternative, to provide adequate compensation for all unavoidable impacts. This will require a thorough evaluation of all less environmentally damaging project alternatives. For non-water dependent activities, such as roads, alternatives to siting in wetlands are presumed to be available unless demonstrated otherwise. Avoidance is required before compensatory mitigation will be considered.

The document must provide a clear description of anticipated direct, indirect and cumulative adverse impacts to wetlands from all planned activities. In accordance with the Clean Water Act, wetland mitigation strategies, methods and programs should be disclosed in the assessment and included in the overall site mitigation plan. We recommend that a detailed compensatory mitigation plan be developed for unavoidable wetland and aquatic resource impacts (see attached Mitigation Plan Requirements). This mitigation plan should include consideration of both direct, indirect, and cumulative effects. It should contain a statement of goals, a monitoring plan, long-term management/protection objectives and a contingency plan (a commitment to conduct additional work if required to meet the goals of the plan). The mitigation plan should also include best management practices and mitigation measures that will manage stormwater runoff from roadways before it reaches wetlands, streams and other aquatic habitats. In general, wetlands, including mitigation wetlands, should not be used for treatment of stormwater.

The 404(b)(1) Guidelines and Corps of Engineers and EPA 404 program staff should be consulted for specific guidance on the scope of avoidance and minimization alternatives that need to be addressed. We recommend coordination with the Corps of Engineers (Corps Montana Office Director Mr. Allen Steinle or Mr. Todd Tillinger in Helena at 441-1375), EPA 404 Regulatory Staff (Ms. Kristine Knutson at 457-5021), Fish and Wildlife Service (Mr. Scott Jackson at 449-5225), and other state and federal resources agencies when developing alternatives to determine whether impacts to wetlands can be eliminated or reduced. The need to select alternatives which avoid impacts to U.S. waters must be addressed during the 404 permit process.

To assure consistency with the 404(b)(1) Guidelines, a thorough analysis of all possible alternatives to avoid and minimize wetland and aquatic resource habitat impacts should be addressed through the NEPA EIS process. These alternatives can include project design changes including roadway alignment reconfiguration, modifications to size and configuration, bridges, construction on pilings as opposed to fill, abandonment of realignment proposals in highly sensitive areas, or use of safety devices to meet road safety objectives. We recommend that a draft 404(b)(1) analysis be prepared for the preferred alternative and appended to the EIS. This will help assure that 404 regulatory requirements are properly integrated into the NEPA process as directed by the CEQ regulations (40 CFR 1500.2(c)).

We suggest that the Department of Transportation meet with resource agencies, including EPA, to discuss mitigation options. We also suggest that impacts to wetlands and streams be discussed at the Montana Interagency Wetland Group meetings that are held on a bimonthly basis. This group is chaired by Mr. Gordon Stockstad of the MDT, Environmental Services Unit.

2. Air Quality

The effects of the various alternatives on air quality must be quantified. Generally, the primary air quality concern with highway construction is the effect of motor vehicle emissions on air quality and their impact on 1) non-attainment areas, 2) Class I and II protection areas and 3) areas where an air quality standard could be violated by increases in emissions due to increased motor vehicle use facilitated by completion of the project. Existing air quality and meteorological monitoring data should be presented, as well as needed data gathering to adequately perform air quality analysis and any monitoring proposed.

The air quality analysis must demonstrate that the proposed alternative would not cause or contribute to any violations of the National Ambient Air Quality Standards, that it will not cause the air quality to degrade by more than any applicable PSD (Prevention of Significant Deterioration) increment, and that it will not cause or contribute to visibility impairment.

The following discussion presents the general criteria by which an EIS dealing with mobile sources is evaluated for air quality impacts. This discussion presents the areas to be considered rather than the details of the analysis. We do not anticipate significant air quality

concerns with the US Highway 2 in Hill and Blaine Counties project. A project with potentially minimal effects on air quality may not need to consider all the points mentioned below:

A description of the existing air quality should be presented, including the study areas designation of attainment or non-attainment of National Ambient Air Quality Standards.

A localized analysis of pollutants particularly carbon monoxide (CO) is needed. In most cases the eight-hour standard of 9 ppm is the controlling standard. However, it is useful to provide both one-hour and eight-hour concentrations. This analysis is required and should be proportional to the scope of the project.

- (3) Areawide analysis should be done for CO, PM₁₀ (emissions and particulates made airborne from automobile use), and Volatile Organic Compounds as well as any other criteria pollutants or hazardous pollutants which may be affected by the project. This analysis may not be necessary if the project is included in the State Implementation Plan (SIP) emission inventory.
- (4) The analysis should include a comparison of the "No Build" and all Build alternatives for existing conditions, worst case conditions, and the design years.
- (5) The traffic analysis should show the project's impact on average daily traffic and speeds. The assumed population growth used to project traffic volumes should be identified to assure consistency with the population projections in the SIP.
- (6) Construction impacts and appropriate control measures to be taken should be discussed.
- (7) Monitoring should be conducted at areas of maximum concentration to which the public may be exposed. Refer to 44 FR 27586 (May 10, 1979) for monitoring guidance.
- (8) An appropriate model should be used, based on the project scope. MOBILE 5A is the most recent mobile source emission factor model released by EPA.

A determination of whether the project conforms to the State Implementation Plan is required in Section 176(c) of the Clean Air Act (as amended November 15, 1991).

Section 176(c) of the Clean Air Act

The analysis must describe any state or local air quality regulations or State Implementation Plan (SIP) requirements covering specific activities occurring as part of the

project construction and/or implementation, and how compliance with those regulations or requirements will be achieved.

The conformity provisions of the Section 176(c) of the Clean Air Act requires that all federal actions conform to existing State Implementation Plans (SIP's), and prohibits federal agencies from taking any action that causes or contributes to a new violation of the NAAQS, increases the frequency or severity of an existing violation, or delays the timely attainment of a standard. Under section 176(c), the federal agency responsible for a proposed action is required to determine if its action will conform to the applicable SIP before the final EIS is completed. The final rule on the conformity provision can be found in 40 CFR Parts 51 and 93.

You may want to contact Betsy Wahl of EPA (Helena) at 457-5013 or Robert Edgar of EPA Denver at 303-312-6669 if you have questions regarding air quality issues or Clean Air Act requirements. Bob Habeck of MDEQ at 444-7305 is a State contact on Clean Air Act issues.

3. Wildlife Effects

In the case of new highway alignments or widening of existing roads, the EIS should evaluate direct and indirect (induced growth) wildlife effects. Affected environment sections should include current quality and capacity of habitat, usage by wildlife near the proposed project, and known wildlife corridors/trails. Existing wildlife mortality should be disclosed if known. Environmental Consequences sections need to evaluate increased mortality from higher traffic levels; habitat removal, reduced access to available habitat, effects on biodiversity (see Biodiversity below), and estimated reductions in impact from mitigation. The mitigation sections should include analysis of the following:

The extent to which stream crossings can be modified to also serve as wildlife crossings. (Assuming stream crossings coincide with areas where there is wildlife movement or an opportunity to reduce mortality rates). Crossings should be dedicated for wildlife use to reduce wildlife mortality, connect habitat areas, and reduce traffic accidents. Crossings should be of sufficient width, contain minimal dark passages, and employ wing fencing techniques. We note that information regarding wildlife and highway conflicts and mitigation may be available on this website, www.berrymaninstitute.org.

Threatened and Endangered Species

If the proposed activities could affect threatened or endangered species, the EIS should include the Biological Assessment and the associated U.S. Fish and Wildlife Service (FWS) Biological Opinion or formal concurrence for the following reasons:

- 1) NEPA requires public involvement and full disclosure of all issues upon which a decision is to be made;
- (2) The Council on Environmental Quality (CEQ) Regulations for Implementing the

Procedural Provisions of NEPA strongly encourage the integration of NEPA requirements with other environmental review and consultation requirements (40 CFR 1502.25); and

- (3) The Endangered Species Act (ESA) consultation process can result in the identification of mandatory, reasonable, and prudent alternatives which can significantly affect project implementation.

Both the Biological Assessment and the EIS must disclose and evaluate the potential impacts of the proposed action on listed species. The full disclosure mandate of NEPA suggests that the consultation be instigated as soon as possible. Thus, the final EIS and Record of Decision should not be completed prior to the completion of ESA consultation. Treating the consultation process as a separate parallel process that is not closely involved with the NEPA process represents a risk because during the consultation, FWS could identify additional impacts, new mitigation measures, or changes to the preferred alternative. If these changes have not been evaluated in the final EIS, a supplement to the EIS could be warranted.

Biodiversity

While generally not a major issue of concern for smaller road improvement projects, biodiversity may be a critical consideration for new alignments, major reconstruction or when special habitats (i.e., wetlands, threatened and endangered species habitat) will be affected. The state of the art for this issue is changing rapidly.

Biodiversity is the variety of life. It includes the number, abundance, and distribution of each species. It includes species diversity, gene pool diversity, and ecosystem diversity. The concept of biodiversity also includes the processes of interaction among species. Maintenance of biodiversity can minimize the need for listing species as threatened or endangered.

The scale used for the analysis should be described in the EIS. A landscape scale perspective is generally appropriate unless the presence of biotic species that inhabit a wide range of landscapes indicates a need for a larger scale (e.g., wide ranging predators or neo-tropical birds). Where indicator species are used, they should be representative of discrete specific habitats or conditions. Specifically, the document should address:

- (1) The diversity and uniqueness of flora and fauna that exists in the analysis area. A review of local climatic diversity, topography and ecotones may be helpful in identifying local biodiversity. The presence of threatened, endangered or sensitive species; communities that are at the edge of their range; or the identification of "gap" habitats indicate a greater need for analysis than homogenous habitats. Similarly, a discussion of nearby, large, undisturbed habitats that add to local diversity stability (such as wilderness or roadless areas) would be informative.

- (2) The effects of the proposed alternative actions on the maintenance of diversity.
- (3) The cumulative effects of past projects, proposed and approved future projects on diversity stability, fragmentation, connectivity with adjacent landscapes, and disruption to processes or functions.

4. Noise

We recommend that the following information be included in the EIS to describe the existing environment and to evaluate the noise effects of the proposed project and the alternatives.

- (1) the existing and anticipated land uses near the project site or route that have a sensitivity to noise and the number of people living near the route;
- (2) the existing noise levels adjacent to the proposed alignments;
- (3) the predicted noise levels from alternatives;
- (4) the noise abatement measures that will be used to reduce noise from the completed project and noise generated during construction including noise walls building insulation and acquisition;
- (5) the number of residences/businesses exceeding noise thresholds for each alternative;
- (6) the number of residences/businesses exceeding a 10 dBA increase in noise levels (show on a map); and
- (7) the facilities that can not be protected by noise abatement measures and the impact on the occupants.

EPA 910-F-00-001

January, 2000



Transportation Planning in the Northwest: Framework for Sustainability



To work toward sustainable transportation solutions, EPA asks Northwest transportation and land use decision makers to:

Integrate land use planning, transportation planning, and environmental review so that the NEPA process is open to the full range of alternatives to solve transportation needs.

The land use planning, transportation planning, and environmental review processes currently occur in linear sequence, sometimes beginning with land use, sometimes with transportation. The result of a linear process is often a predetermined outcome that does not adequately consider or avoid undesirable effects to land use, transportation, and/or the environment, and that

is difficult if not

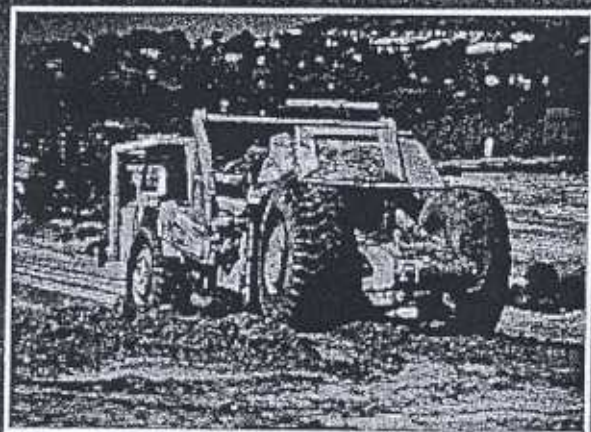


Photo courtesy of Calthorpe Associates

impossible to change. Achieving this integration and the sustainable outcomes we hope for will require the good will, cooperation, and dedication of all players. EPA intends to work with land use planning and transportation planning entities in exploring new ways of achieving a more integrated approach to land use, transportation, and environmental planning and review.

Acknowledge, evaluate, and discuss the serious environmental, economic, and social impacts often associated with road building and the use of privately owned vehicles.

The environmental costs of new roads are often enormous, and frequently are not acknowledged or openly discussed by project proponents. Roads contribute significantly to air pollution, water pollution, and wildlife habitat loss and fragmentation. Roads can contribute to urban sprawl and the loss of rural farming and forestry areas and natural areas near urban centers. They can change the face of the landscape and contribute to the loss of the very values people seek in a geographic area. It is important that project proponents acknowledge, adequately evaluate, and disclose such impacts during project planning.



Before deciding upon new road solutions, consider the following:

Explore creative alternatives. Creative solutions that integrate land use with transportation while protecting the environment and enhancing livability can emerge from the public thinking when citizens are actively engaged and there is partnership with participating agencies and decision makers. Provide analytical support for community-generated ideas, and explore multi-faceted solutions. It may be possible to combine several ideas/alternatives that, collectively, will address the project need. A package of alternatives could include alternative transportation modes, trip reduction, land use adjustments, parking controls, pricing mechanisms, other incentives and/or disincentives, new route design or traffic circulation patterns, and more.



Photo courtesy of King County METRO



Photo courtesy of Local Government Commission

Diversify the transportation system by providing more transportation choices. The Transportation Equity Act for the 21st Century (TEA-21) continues and expands upon the important changes in transportation policy initiated by the Intermodal Surface Transportation Efficiency Act (ISTEA): it dedicates funding to alternatives to driving and to transportation modes that reduce air pollution and improve environmental protection and sustainability. Having a community that is provided multiple transportation choices enhances personal freedom, is more equitable for those who cannot afford or do not have the ability to drive, and is more protective of the environment by decreasing dependency on privately owned vehicles and the need for more lanes of pavement.

Emphasize transportation demand management. Include transportation demand management (trip reduction) and transportation system management (TDM and TSM) in all projects and alternatives, with the greater emphasis upon TDM. An array of travel alternatives, roadway use options such as carpool lanes, financial incentives, work hours and location management options exist, and more ideas are being generated. Land use strategies, such as mixed use and transit oriented development, also serve to curb travel demand.



Montana Department of
ENVIRONMENTAL QUALITY

Judy Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.dceq.state.mt.us

Deb
Calken
ES
File

February 26, 2004

Karl Helvik
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

RE: Agency Cooperation for the Havre to Fort Belknap Environmental Review

Dear Karl:

The Department of Environmental Quality will cooperate with the Department of Transportation in its Montana Environmental Policy Act review of the proposed U.S. Highway 2 – Havre to Fort Belknap project.

If you have any questions, send an e-mail or call (444-5263).

Sincerely,


Tom Ellershoff

From: Ellerhoff, Thomas
Sent: Wednesday, December 04, 2002 3:32 PM
To: Hill, Dave
Cc: Riley, Jean; Compton, Art; Welch, Steve; Olsen, Sandi; Stockstad, Gordon; Sternberg, Stan; Sensibaugh, Jan; Galt, Dave
Subject: RE: MDOT MEPA Reviews
 Dave:

DEQ has done a little realignment. I work for Director Jan Sensibaugh, and do a variety of programmatic things. MEPA is one of those things. I know Jean and Stan from their days with environmental health programs.

As I said in my comments to Karl, DEQ cooperates with all state agencies to the best of its resource abilities, and will continue to do so.

In the future, if your folks have requests, have those requests sent to me. I will make sure the requests are addressed. If DEQ doesn't have the resources to accomplish the request, we will work with you to figure out a solution.

Jean's Sept. 17, 2002, letter mentioned TMDLs. I discussed the matter with Art Compton, administrator of the Planning, Prevention & Assistance Division, and during that discussion he mentioned the position MDOT and DEQ were going to share to address TMDLs. It could be the matter has somehow got sidetracked in your reorganization. When you have some time, I believe Art would like to continue the discussion about the proposed position. You can send Art an e-mail or call (444-6754) to talk about the matter.

If you have any questions, don't hesitate to call me (444-5263) or send me an e-mail.

Tom

-----Original Message-----

From: Ellerhoff, Thomas
Sent: Wednesday, December 04, 2002 1:58 PM
To: Helvik, Karl
Cc: Riley, Jean
Subject: Havre to Fort Belknap

Karl:

Sorry this took so long. We too have been doing a little shifting around, and Jean Riley's letter of Sep. 17 got lost. I'll take the blame for this one.

Probably the easiest thing to do to obtain the requested 305(b) and TMDL information is to access the internet site at http://nris.state.mt.us/wis/environet/2002_305bhome.html.

If you have other requests from DEQ, let me know. DEQ cooperates with all state agencies to the best of its abilities within the scope of the agency's time and resources.

Tom



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Date Recd Preconst

PLH-TCSP 1-6(44)384

MAIL ROUTE
30 Preconst Engr
30 Assistant
30 Office Mgr
31 Safety Mgmt.
32 Road Design
33 Environment
34 Hydraulics
35 Survey & Mapping
36 Traffic Eng
39 Consultant Dsn.

Centers for Disease Control and Prevention

August 14, 2002

FILE COPY

Mr. Dale Paulson
Program Development Engineer
FHWA Montana Division
2880 Skyway Drive
Helena, Montana 59602

Dear Mr. Paulson:

We understand from Federal Register Notice 67 FR 51316 dated Aug. 7, 2002 that the Federal Highway Administration will prepare an Environmental Impact Statement for improvements to US Highway 2, in Hill and Blaine Counties, Montana. The intent of the proposed project is to replace the aging US Highway 2 with an efficient and safe highway that will be attractive to the needs of agriculture, industry, commerce and tourism in the area. The proposed improvement corridor is between Havre and Fort Belknap, a distance of approximately 72km (45 miles), and includes the towns of Lohman, Chinook, Zurich, and Harlem. We are responding on behalf of the Department of Health and Human Services (DHHS), U.S. Public Health Service.

While we have no project specific comments to offer at this time, we do recommend that the topics listed below be considered during the NEPA process along with other necessary topics, and addressed if appropriate. Mitigation plans which are protective of the environment and public health should be described in the EIS wherever warranted.

AREAS OF POTENTIAL PUBLIC HEALTH CONCERN:

I. Air Quality

- dust control measures during project construction, and potential releases of air toxins
- potential process air emissions after project completion
- compliance with air quality standards

II. Water Quality/Quantity

- special consideration to private and public potable water supply, including ground and surface water resources
- compliance with water quality and waste water treatment standards
- ground and surface water contamination (e.g. runoff and erosion control)
- body contact recreation

III. Wetlands and Flood Plains

- potential contamination of underlying aquifers
- construction within flood plains which may endanger human health
- contamination of the food chain

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AUG 19 2002

FHWA
MONTANA DIVISION

IV. Hazardous Materials/Wastes

- identification and characterization of hazardous/contaminated sites
- safety plans/procedures, including use of pesticides/herbicides; worker training
- spill prevention, containment, and countermeasures plan

V. Non-Hazardous Solid Waste/Other Materials

- any unusual effects associated with solid waste disposal should be considered

VI. Noise

- identify projected elevated noise levels and sensitive receptors (i.e. residential, schools, hospitals) and appropriate mitigation plans during and after construction

VII. Occupational Health and Safety

- compliance with appropriate criteria and guidelines to ensure worker safety and health

VIII. Land Use and Housing

- special consideration and appropriate mitigation for necessary relocation and other potential adverse impacts to residential areas, community cohesion, community services
- demographic special considerations (e.g. hospitals, nursing homes, day care centers, schools)
- consideration of beneficial and adverse long-term land use impacts, including the potential influx of people into the area as a result of a project and associated impacts
- potential impacts upon vector control should be considered

IX. Environmental Justice

- federal requirements emphasize the issue of environmental justice to ensure equitable environmental protection regardless of race, ethnicity, economic status or community, so that no segment of the population bears a disproportionate share of the consequences of environmental pollution attributable to a proposed project. (Executive Order 12898)

While this is not intended to be an exhaustive list of possible impact topics, it provides a guide for typical areas of potential public health concern which may be applicable to this project.

Please furnish us with one copy of the draft document when it becomes available for review.
Thank you in advance for your consideration.

Sincerely,



Paul Joe, DO, MPH
Medical Officer
National Center for Environmental Health (F16)
Centers for Disease Control & Prevention

RECEIVE

OCT 17 2002

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
NORTHEASTERN LAND OFFICE

*Agency Coordination
- Cooperating
Agencies*

ENVIRONMENTAL



FILE COPY

STATE OF MONTANA

(406) 538-7789 Telephone
(406) 538-7780 FAX

October 16, 2002

613 NE MAIN
PO BOX 1021
LEWISTOWN, MONTANA 59457-1021

Jean A. Riley, P.E.
Engineering Section Supervisor
MT DOT
2701 Prospect Ave.
PO Box 201001
Helena, MT 59620-1001

MASTER FILE
COPY

RE: US 2 Havre to Fort Belknap EIS
PLH-TCSP 1—6(44)384
Control #4951

Dear Jean

Our Department holds only one parcel of land that extends into your proposed project area. That tract is Section 36, Township 33 North, Range 21 East. It is a Dense Clay Range Site on classified grazing land. The answer to all of your questions is "NO" for this particular tract.

The State does own land north of the RR/RW along the Milk River in Section 1 & 2, of Township 32 North, Range 17 East. These lands are within the "navigable reach" of the Milk River, but the raised RR bed separates it from your project area.

If you have any other questions, please call me at 406-538-7789

Sincerely,

A handwritten signature in dark ink, appearing to read "Barney D. Smith".

Barney D. Smith, Lewistown Unit Manager
Northeastern Land Office, DNRC

NOTE:

Montana Fish, Wildlife, and Parks (MFWP) did not formally decline cooperating agency status on this project. However, their letters dated January 7, 2003 and January 8, 2003 do not request cooperating agency status. Phone and letter correspondence with MFWP on December 6, 2002 and January 7, 2003 did not yield a response from the agency regarding cooperating agency status. MDT and FHWA have assumed, based on the correspondence with MFWP, that the agency is not a cooperating agency on this project.



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

MASTER FILE
COPY

FILE COPY
*File in:
Cooperating
Agencies*

*Martha
Sue
Colleen
File*

October 28, 2003

Mr. Bill Wiedenheft
Region 6 Fisheries Manager
Montana Fish, Wildlife and Parks
Route 1-4210
Glasgow, MT 59230

Subject: PLH-TCSP 1-6(44)384
US 2 - Havre to Fort Belknap EIS
Control No. 4951

We received your letter dated January 8, 2003 in regards to the US 2, Havre to Fort Belknap project, and the letter dated January 28, 2002 in regards to the previously planned Lohman East & West project. We would like to respond to the questions and concerns discussed in these letters. There will be another opportunity to discuss these issues at the October 30, 2003 agency field review for this project.

Your letter dated January 28, 2002, discusses the importance of improving or maintaining fish passage at the US 2 and the BNSF railroad crossings of Clear Creek and Red Rock Creek. The letter dated January 8, 2003 revisits the conditions at Clear Creek and points out that the rubble dam is a potentially dangerous structure and that this may be a good site for habitat mitigation. The rubble dam lies downstream of the railroad structure. It must be noted that Clear Creek was channel changed in the early 1990's and the dam has acted as a means to stop a head cut from moving upstream through the railroad structure. It is unclear who constructed the dam. MDT prepared an analysis for a replacement structure in 1989, prior to the channel change. If the dam is used to protect the railroad structure then altering the structure for habitat mitigation may not be feasible. Clear Creek bridge will be replaced with a structure capable of fish passage. The structure will be sized appropriately based on hydraulic design. Any changes to the dam on railroad right-of-way is outside the scope of this project. Habitat restoration at Clear Creek within the MDT right-of-way will be considered during design. MDT will also install a structure capable of fish passage at Red Rock Creek. MDT will coordinate with MFWP during the design review and the project development design process for the replacement of structures at Little Box Elder Creek, Lodge Creek, Battle Creek and Fifteen Mile Creek - all drainages of little fisheries consequence.


The January 28, 2002 letter also discusses the importance of sediment control and minimization of in-stream work related to the Milk River bridge replacement during the

Bill Wiedenheft
October 28, 2003
Page 2

sauger and walleye spawning season. At the Milk River bridge, in-water work from April 1 to May 30 (walleye and sauger spawning period) will be coordinated with MFWP during the project development design process. Work will be completed in accordance with MDT standard specifications and permit conditions.

You state that MFWP is very interested in maintaining the informal fishing access below the Milk River bridge. Fishing access in the railroad right-of-way is outside the scope of this project. MDT will coordinate fishing access and parking at this location with MFWP during the project development design process.

Thank you for bringing our attention to these matters. Please contact Karl Helvik at (406) 444-5446 if you have any further questions or concerns.



Tom S. Martin, P.E.
Consultant Design Engineer

TSM:kmh

Copies: Carl S. Peil, P.E. – MDT Preconstruction Engineer
Paul R. Ferry, P.E. – MDT Preconstruction Design Engineer
Michael P. Johnson – MDT District Administrator-Great Falls
Tom S. Martin, P.E. – MDT Consultant Design Engineer
David M. Hill, Chief – MDT Environmental Services Bureau
Darrin G. Grenfell – FHWA Operations Engineer
Mark. A. Goodman, P.E. – MDT Hydraulics Engineer
Glenn Phillips – MFWP, Helena
Precon. File, MDT Preconstruction Bureau



Montana Fish, Wildlife & Parks

JAN 10 2003

ENVIRONMENTAL

MASTER FILE
COPY

January 8, 2003

Jean Riley
MT Dept. of Transportation
2701 Prospect Ave.
Helena, MT 59620-1001

RE: US 2 to Ft. Belknap EIS
PLH-TCSP 1-6(44)384
CONTROL NO. 4951

Dear Ms. Riley,

As per your request for fisheries information along this construction corridor I would like to refer to a letter enclosed which was previously sent to your department relating to a project in the same locality. Our fisheries concerns addressed in the letter to David Larson dated January 28 of 2002 have not changed.

I would like to point your attention toward the rubble dam immediately downstream from the railroad bridge and near US Hwy 2 on Clear Creek. This is a potentially dangerous structure for the road and the railway. The lower creek was channelized many years ago and the dam was obviously placed to stop the head cutting upstream. It also prevents upstream passage of fish. This may be a potential site for some habitat mitigation while at the same time providing for fish passage or improving the limited spawning habitat below.

Thanks for the opportunity to ~~comment~~.

Sincerely,

Bill Wiedenheft
Region Six Fisheries Manager

RECEIVED
JAN 24 2003
ENVIRONMENTAL



Montana Fish,
Wildlife & Parks

Loop Agency
REC'D FEB 6 2003
FILE COPY
MASTER FILE
COPY

January 7, 2003

Montana Dept. Of Transportation
Jean A. Riley, P.E.
Engineering Section Supervisor
Environmental Services
PO Box 201001
Helena, Mt. 59520-1001

CEK
DPS
File
Wentland

Subject: US 2 Havre to Fort Belknap EIS

Dear Jean:

Thank you for the opportunity to comment on the proposed highway improvement project on Highway 2 between Havre and Harlem. The Montana Fish, Wildlife, and Parks has not acquired and has no immediate plans to acquire lands that may be affected by the project. There also are not lands in this project area that are a part of a publicly owned significant national, state or local park, wildlife refuge, or recreation area. There are also no lands that have been purchased and/or are administered for recreational purposes under Section 6(f) of the National Land & Water Conservation Fund Act (16U.S.C. 460).

Wildlife habitat along the highway corridor between Havre and Harlem is typically Milk River irrigated bottomlands (riparian habitats). This area provides habitat for medium to high density populations of white-tailed deer and pheasants. Some of the backwater slough areas also provide excellent habitat for Canada geese and all species of prairie nesting ducks. In addition shorebirds are abundant in these slough areas and wood ducks nest in cavities in large cottonwood trees that are found along the Milk River. For the most part simply widening the existing roadway should not negatively affect these habitats.

As more specific plans are developed, wetland areas immediately adjacent to the proposed roadway would need to be considered, but impacts should be minimal. Please contact us with specific questions on specific sites.

Sincerely,

Harold Wentland
R-6 Wildlife Manager



Montana Fish, Wildlife & Parks

January 28, 2002

David C. Larson, P.E.
Montana Department of Transportation
2701 prospect Ave.
PO Box 201001
Helena, MT 59620-1001

RE: Lohman -- E & W
F 1-7(11)394
Control No. 1314

Dear Mr. Larson,

This is in response to your request for fisheries information relating to the above referenced highway project proposed for US Hwy 2, east of Chinook.

There are two tributaries to the Milk River and one site on the Milk River that contain significant fisheries value and could be impacted by this project.

Clear Creek, on the western edge of the project, is a major tributary, which contains numerous native minnow species in this vicinity. At the present time, a rubble dam immediately downstream from the adjacent railroad bridge prevents upstream movement of migratory species from the Milk River. However, this situation may be rectified in the future and therefore it is imperative that the Clear Creek Bridge be replaced with a similar bridge or bottomless arch capable of fish passage during high spring flows. You may want to inspect the concrete/rubble dam on the downstream railroad right-of-way as failure of this dam will most certainly undercut the existing railroad bridge and any structure you may construct on the highway.

Red Rock Creek, near Chinook, is another tributary of great fisheries significance. To date, eighteen species of fish have been identified in the creek. A species list is attached to this letter. The list includes many native fishes and one species of special concern, the pearl dace. Fish passage is critical at this crossing and a bridge or bottomless arch is recommended for this site.

There are some important items to consider at the site of the Milk River bridge replacement. Several hundred yards below the bridge, at the first bend, is a rather unique rock/gravel riffle that is utilized by spawning walleye and sauger. The sauger is currently listed as a species of special concern in Montana. April and May are critical months for use at this site, which means sediment control is essential and in-stream work must be

held to a minimum during that time period. The area below the existing bridge and upstream to the railroad bridge is an outstanding fishing hole and has been historically used by fishermen for many decades. Access under the bridge and parking is currently available to fishermen. Our department is very interested in maintaining fishermen access within the right-of-way and would like for MDT to consider, in their plans, a way to maintain this existing use. This issue will certainly come up in any public meetings, as it is a popular fishing site.

The other four structures to be replaced are on ephemeral drainages of little fisheries consequence and construction plans will be evaluated during the SPA 124 permit application process.

Thank you for the opportunity to comment and feel free to contact me concerning any access or fisheries issues related to this project.

Sincerely,

A handwritten signature in cursive script, reading "Bill Wiedenheft". The signature is written in dark ink and is positioned above the printed name and title.

Bill Wiedenheft
Region 6 Fisheries manager



MONTANA
**Natural Heritage
Program**

V- HAURE - FORT
1-6(44) 384 BELKNAP
CN 4951 Coop Agencies

FILE COPY

P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0581 • tel 406.444.3009 • <http://nris.state.mt.us>

September 23, 2002

Jean A. Riley, P.E.
Montana Department of Transportation
2701 Prospect Avenue
Helena, Montana 59620-1001

Dear Jean,

I am writing in response to your request for information on plant and animal species of concern in the vicinity of US 2, Havre to Fort Belknap. We checked our databases for information in this general area and have enclosed 4 species of concern reports and one map.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by the requested road segment with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area.
- (2) In the report, the term "precision" reflects the quality of the location information. S (second) precision is used when the location of the collection/observation is known within a three-second radius (approximately 10 acres); M (minute) precision is used when the location of the collection/observation is known within a one minute radius (approximately 1.5 miles); and G (general) precision is used when the location of the record/collection is known within a 5 mile radius or to a place name only. Some species locations outside the selection area have imprecisely-known locations and may actually occur within the selection area.
- (3) Location information for animals represents occupied breeding habitat; location information for plants represents known occurrences of plant species, and, like animals, has an implied range that may not be fully conveyed by the mapped data. Most locations are depicted as points, but some, especially those that cover large area, are depicted as polygons on the map. The approximate boundaries of these polygons are color-coded to help differentiate vertebrate classes and plants.
- (4) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (5) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (6) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). Also, significant gaps exist in the Heritage Program's fisheries data, and we suggest you contact the Montana Rivers Information System for information related to your area of interest (406-444-3345).

- (7) The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments.

We have a new data request system available via the internet. The URL is:

<http://nris.state.mt.us/reqapp/userMain.htm>

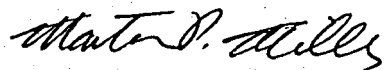
I've assigned your username: jrile

And password: jrile716

You may wish to change the password as a security measure.

I hope the enclosed information is helpful to you. Please feel free to contact me at (406)-444-3290 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller, Data Assistant
Montana Natural Heritage Program
(martinm@state.mt.us)

9/23/2002

Montana Natural Heritage Program
Species of Concern
US 2, Havre to Fort Belknap

Scientific Name: CHARADRIUS MONTANUS

Common Name: MOUNTAIN PLOVER

Forest Service Status: PROPOSED THREATENED

Global Rank: G2

USFWS Endangered Species Act: PT

State Rank: S2B,SZN

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

This is an occurrence that represents two observations of attempted breeding in 1991

Last observation: 1991-07-25

Size (acres):

General site description:

Land owner/manager:

BLM: LEWISTOWN FIELD OFFICE

Comments:

Information source:

FAUNAWEST WILDLIFE CONSULTANTS. 1991. STATUS AND BREEDING DISTRIBUTION OF THE MOUNTAIN PLOVER IN MONTANA. REPORT TO USDI BUREAU OF LAND MANAGEMENT. FAUNAWEST WILDLIFE CONSULTANTS, BOULDER, MT, 44PP.

Survey site name:

County: BLAINE

USGS quadrangle: FORT BELKNAP SIDING; HARLEM NW

Precision: G

Elevation (ft):

Location:

Township\Range:

033N021E

Section:

24

TRS comments:

9/23/2002

Montana Natural Heritage Program
Species of Concern
US 2, Havre to Fort Belknap

Scientific Name: PHOXINUS EOS X PHOXINUS NEOGAEUS

Common Name: NORTHERN REDBELLY X FINESCALE DACE

Forest Service Status:

Global Rank: HYB

USFWS Endangered Species Act:

State Rank: S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

15 SPECIMENS COLLECTED.

Last observation: 1984-10-17

Size (acres): 0

General site description:

UNKNOWN.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

PARTHENOGENIC HYBRID FISH; ALL FISH IN POPULATION ARE SELFING FEMALES. THIS IS A UNIQUE EVOLUTIONARY DEVELOPMENT FOR TEMPERATE FRESHWATER FISH.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: LODGE CREEK MOUTH

County: BLAINE

USGS quadrangle: CHINOOK

Precision: M

Elevation (ft): 2400

Location:

LODGE CREEK, NEAR MOUTH, 3 MILES EAST OF CHINOOK, MT.

Township\Range:

033N020E

Section:

31

TRS comments:

SW4

9/23/2002

Montana Natural Heritage Program
Species of Concern
US 2, Havre to Fort Belknap

Scientific Name: SEMOTILUS MARGARITA

Common Name: PEARL DACE

Global Rank: G5

State Rank: S2

Forest Service Status:

USFWS Endangered Species Act:

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

UNKNOWN

Last observation: 1984-10-17

Size (acres): 0

General site description:

UNKNOWN.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE)

Comments:

NONE.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800,
HELENA, MT 59620-1800. 406/444-3009.

Survey site name: LODGE CREEK MOUTH

County: BLAINE

USGS quadrangle: CHINOOK

Precision: M

Elevation (ft): 2400

Location:

LODGE CREEK, NEAR MOUTH, 3 MILES EAST OF CHINOOK, MT.

Township\Range:

033N020E

Section:

31

TRS comments:

SW4

9/23/2002

Montana Natural Heritage Program
Species of Concern
US 2, Havre to Fort Belknap

Scientific Name: VULPES VELOX

Common Name: SWIFT FOX

Forest Service Status: SENSITIVE

Global Rank: G3

USFWS Endangered Species Act: (LE)

State Rank: S3

BLM Status: SPECIAL STATUS

Occurrence Type:

Species occurrence data:

LIMITED DATA AVAILABLE; BUT PROBABLY AT LEAST 4 BREEDING PAIRS ARE PRESENT. THE BOUNDARIES FOR THIS OCCURRENCE ENCOMPASS ALL REPORTED OBSERVATIONS LOCATED WITHIN 20 KM OF ONE ANOTHER. SPECIFIC OBSERVATION DATA AVAILABLE FROM MTNHP.

Last observation: 1996

Size (acres):

General site description:

ROLLING, GLACIATED MIXED-GRASS PRAIRIE WITH LIMITED SHRUB.

Land owner/manager:

PRIVATELY OWNED LAND (INDIVIDUAL OR CORPORATE); BLM: LEWISTOWN FIELD OFFICE; FORT BELKNAP INDIAN RESERVATION

Comments:

41 OBSERVATIONS IN THE 1980S AND 1990S, INCLUDING 5 OF PUPS OR JUVENILES.

Information source:

ZOOLOGIST, MONTANA NATURAL HERITAGE PROGRAM, 1515 EAST SIXTH AVENUE, P.O. BOX 210800, HELENA, MT 59620-1800. 406/444-3009.

Survey site name: BORDER PRAIRIE

County: BLAINE; VALLEY; PHILLIPS; HILL

USGS quadrangle: (EXTENDS OVER NUMEROUS QUADS)

Precision: G

Elevation (ft):

Location:

A VERY LARGE AREA MOSTLY NORTH OF THE MILK RIVER FROM CHINOOK TO HINSDALE AND EXTENDING TO CANADA.

Township\Range:

Section:

TRS comments:

037N018E

12

CENTROID--OCCURRENCE EXTENDS OVER MANY TOWNSHIPS

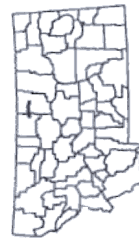
Montana Species of Concern US 2, Havre to Fort Belknap

Biological Data

- ▲ Animal
- Plant
- ⊕ Other
- Animal
- /// Bird
- |||| Mammal
- Search Area

Land Status

- BLM
- BOR (BuRec)
- CoE & other DoD
- NPS
- USFS
- Other USDA
- USFWS
- BIA Trust
- Tribal
- State Trust
- DFWP
- University & Institutions
- County & City
- Plum Creek
- Private Conservation
- Other private
- Water



Species locations depicted outside the search area have imprecisely locations and may actually occur within the search area.

Not all legend items may occur on map.

Features shown on this map do not imply public ownership to any.

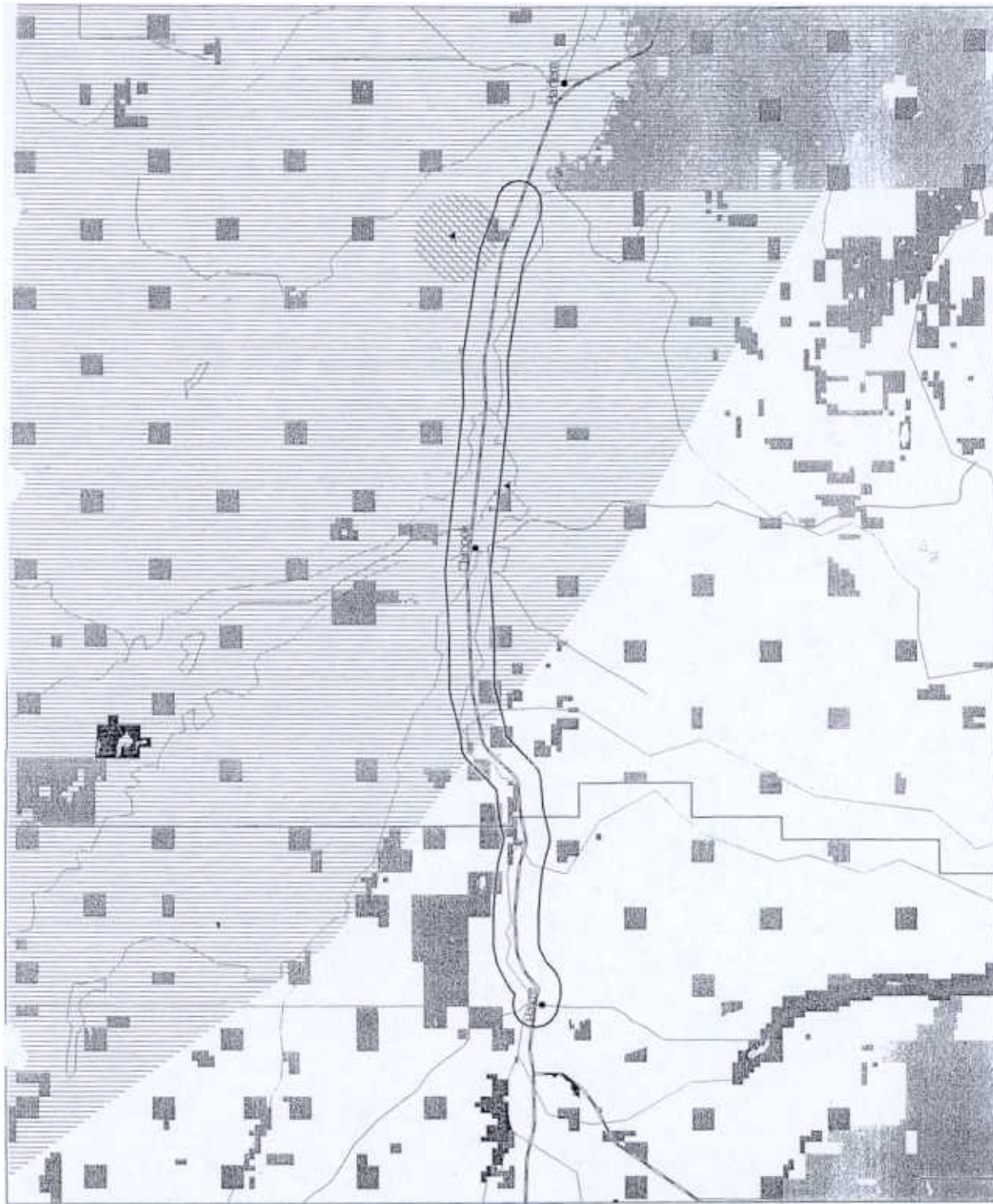
This map displays management status, which may differ from ownership.

Refer to accompanying documentation for full explanation of map features.



MONTANA Natural Heritage Program
Natural Resources Information System
Montana Natural Heritage Library
PO Box 20100
Helena, MT 59602-1000
(406) 443-3006 mnh@data.mt.gov

September 23 2002
03mnd0014



REC'D MAY 08 2003

CITY OF HARLEM

RESOLUTION NO. 2-03-01

A RESOLUTION REQUESTING THAT THE CITY OF HARLEM BY A PART OF US 2 IMPROVEMENTS AND NOT BE BYPASSED.

WHEREAS, on or about February 24, 2003, the city of Harlem received notification from the Montana Department of Transportation by letter dated February 20, 2003 that it was considering two alternate plans for US Highway 2, Havre to Fort Belknap, both of which would bypass the community of Harlem.

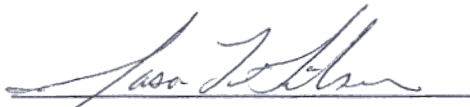
WHEREAS, MCA 60-2-211 requires prior consent from an incorporated municipality such as Harlem to allow bypass of such a community by such a project, and

WHEREAS, the city council deems that any such proposed bypass would be adverse to the community's best interest, and

WHEREAS, the city council's response to this notification is required to be in the form of a resolution duly adopted by a majority of the members of the governing body of the municipality.

NOW, THEREFORE, BE IT RESOLVED that the city of Harlem refuses to allow the bypass of the community of Harlem as proposed by the Montana Department of Transportation.

PASSED AND ADOPTED by a unanimous vote this 5 day of May 2003.


Jason Gibson, Mayor

ATTEST:


Ralph Schneider, Clerk/Treasurer

Ellen
Joe
Deb
File

RESOLUTION NO. 695

WHEREAS, on or about February 24, 2003, the City of Chinook received notification from the Montana Department of Transportation by letter dated February 20, 2003 that it was considering two alternate plans for US Highway 2, Havre to Fort Belknap, both of which would bypass the community of Chinook. Those alternative projects were designated the Southern Corridor Bypass and the Chinook Southern Bypass.

WHEREAS, the applicable statute, MCA §60-2-211 requires prior consent from an incorporated municipality such as Chinook to allow bypass of such a community by such a project; and

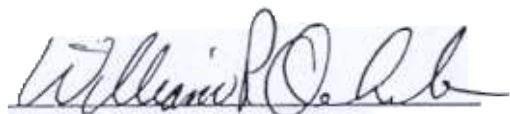
WHEREAS, the Chinook City Council deems that any such proposed bypass would be adverse to the community's best interests; and

WHEREAS, the City Council's response to this notification is required to be in the form of a resolution duly adopted by a majority of the members of the governing body of the municipality.

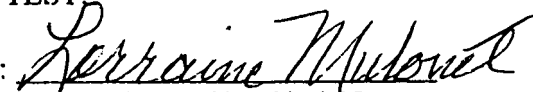
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS

- 1) The Chinook City Council refuses to allow the bypass of the community of Chinook as proposed by the Southern Corridor Bypass proposal; and
- 2) The Chinook City Council refuses to allow the bypass of the community of Chinook as proposed by the Chinook Southern Bypass proposal; and
- 3) The Chinook City Council deems any proposed highway bypass of its community to be adverse to the community's best interests and understands that by adopting this resolution of refusal, that these alternatives will be eliminated from further study in the US 2, Havre to Fort Belknap environmental impact statement.

PASSED, APPROVED AND ADOPTED by unanimous vote this 6 day of March, 2003.


William P. Oehmcke, Mayor

ATTEST:

By: 
Lorraine Mulonet, City Clerk/Treasurer

BLAINE COUNTY COMMISSIONERS

Collan

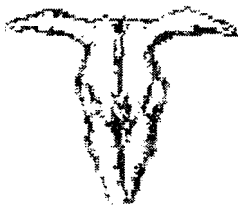
Don K. Swenson, Chairman
Arthur Kleinjan
Dolores Plumage

P.O. Box 278
(406)357-3250

Chinook, Montana
59523-0278

1-24-03

David Evens & Associate
Attn: Suzanne Savage
1331 17th Street Suite 900
Denver, Co 80202



REC'D JAN 31 2003

Project Goals and Objectives on U.S 2

Dear David Evens & Associates


After the C.A.C meeting 1-22-03 at Fort Belknap and reviewing the project goals and objectives on U.S 2 the Blaine County Commissioners cannot support figure 14. (Southern Corridor Bypass) or figure 16 (Chinook Southern Bypass).

Figure 14 completely bypasses the towns of Chinook and Harlem. If figure 14 happens it will put the final nail in the coffin and these two communities will die.

Figure 16 will go south of the city of Chinook. The majority of the businesses in Chinook are located near or on U.S 2. This proposal will force all the traffic through the residential part of town. The area south of Chinook is also in a flood zone and this will add an additional cost to this project.

Respectfully:

Blaine County Commissioners,


Don K Swenson, Chair


Arthur Kleinjan


Dolores Plumage

Colleen
file



Montana Department Of Transportation

CTEP Project Proposal Guidelines, Instructions & Proposal Form

September 1993

RECEIVED

MAY 27 1994

DEPT. OF TRANSPORTATION
TRANSPORTATION PLANNING
DIVISION

For MDT Use Only

Do Not Write In This Box

Project Name _____

Approval Date _____

Federal Program Date: PE _____

RW _____

IC _____

CONST _____

Related Project # PE _____

RW _____

IC _____

CONST _____

If you need information

This is the official proposal form for submitting your Community Transportation Enhancement Program (CTEP) project to MDT. Every effort was made to explain the important details of each item, but there may be items that need further clarification. If you don't clearly understand an item on this form, or if you need assistance filling it out, please contact call the MDT Transportation Planning Division at 444-4383.

While the information in this form is primarily intended for the person preparing the proposal, we strongly suggest the local government commissioners or council members read it closely as well—there are numerous issues discussed which affect decision-making at the local level. Note also that the commission or council members must sign the completed form before it's submitted to MDT.

After completing this form, mail to:

Montana Department Of Transportation
Transportation Planning Division
Attention: Enhancement Program
PO Box 201001
Helena MT 59620-1001

For additional copies of this form, please call 444-4383.

REC'D JUN 16 2003

CTEP

Community Transportation Enhancement Program

1. Local Government Sponsor

The sponsor is that city or county whose CTEP funds will be used to pay for all or part of the project. Local governments may (and are encouraged to) pool their funds on one or more projects. If funds are pooled, then all CTEP-participating local governments must be listed. For example, Miles City might be Sponsor #1, Custer County might be Sponsor #2, and Garfield County might be Sponsor #3. The address, telephone and fax number should be that of each respective Commission office.

Sponsor #1: Blaine County

Address: P. O. Box 278, Chinook, MT 59523

Telephone: (406) 357-3250

FAX: (406) 357-2199

Sponsor #2: _____

Address: _____

Telephone: _____

Sponsor #3: _____

Address: _____

Telephone: _____

FAX: _____

Sponsor #4: _____

Address: _____

Telephone: _____

FAX: _____

2. Project Contact

The contact person is that individual who will be coordinating the project for the sponsor or sponsors. This person must be a local government employee and must be in responsible charge of the project through completion. This is the person with whom MDT personnel will be coordinating the project. If two or more local governments are sponsoring a project, there may be more than one project contact person. If so, list each.

Contact #1: Arthur Kleinjan

Title: Chr., Blaine Co. Commissioners

Address: Box 278, Chinook, MT 59523

Telephone: (406) 357-3250

(406) 357-2199

Contact #2: _____

Title: _____

Address: _____

Telephone: _____

FAX: _____

3. Project Name

Once your proposal has been reviewed, MDT staff will assign an official name and number to your project. You will be informed of this information, and it should be used in all subsequent correspondence.

For MDT Use Only
Do Not Write In This Space

4. Which type of transportation enhancement activity describes your project?

Check one (or more, if appropriate).

In order to qualify for CTEP funds, your project must fall into one or more of the ten categories listed below. The following description of the categories is as complete as practical for these instructions, but is not necessarily exclusive. If you have questions as to whether or not your project is eligible under one or more of these categories, please contact MDT. (Phone number is listed on the front page.)

After reading the descriptions below, check one or more boxes.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Pedestrian and bicycle facilities | <input type="checkbox"/> Historic preservation |
| <input type="checkbox"/> Acquisition of scenic easements and historic or scenic sites | <input type="checkbox"/> Archaeological planning and research |
| <input type="checkbox"/> Scenic or historic highway programs | <input type="checkbox"/> Mitigation of water pollution due to highway runoff |
| <input type="checkbox"/> Landscaping and other scenic beautification | <input type="checkbox"/> Preservation of abandoned railway corridors (including the conversion and use for pedestrian or bicycle trails) |
| <input type="checkbox"/> Rehabilitation and operation of historic transportation buildings, structures or facilities (including railroads) | <input type="checkbox"/> Control and removal of outdoor advertising |

Please note

Local government staff salaries for preparing CTEP proposals or salaries of private individuals for any other administrative activities are not eligible for CTEP funding. Neither are continuing project maintenance or educational activities.

Historic Criteria

Three of the ten categories involve "historic" items. For the purpose of determining CTEP eligibility, "historic" means a property, building, or facility that is either on, or eligible for, the National Register of Historic Places or is determined by the State Historic Preservation Officer to be a strong candidate for nomination and acceptance to the Register.

Pedestrian and Bicycle Facilities

This category includes public pedestrian and bicycle routes, pathways, walkways, etc. It includes construction of new or replacement of old sidewalks on publicly owned property or easements. They may be for bicycle or pedestrian use alone or combined bicycle/pedestrian use. These facilities should be primarily for general transportation from one point to another and not strictly for recreational purposes.

Other eligible uses under this category include bicycle racks, benches for pedestrian or bicyclist use, and other bicyclist or pedestrian related amenities. Construction of restrooms *may* be eligible under this category under very limited circumstances. Refer to the attached May 11, 1993 Federal Highway Administration letter or check with MDT personnel before submitting your project proposal for a determination of eligibility regarding restrooms.

Bicycle and pedestrian facilities require a 20 percent local match unless they are on an Indian Reservation. In such cases, no match is required.

Acquisition of Scenic Easements and Scenic or Historic Sites

Projects in this category might include the acquisition of property (into public ownership) for vehicle pullouts at a scenic location or the purchase of a scenic or historic site that would be available for the use and enjoyment of the general public.

Scenic or Historic Highway Programs

Projects under this category might include informational signing along the Lewis and Clark trail on a public road or highway or the preparation of informational pamphlets regarding, for example, the Bozeman Trail.

Rehabilitation and Operation of Historic Transportation Sites

After meeting the "historic" criteria above, typical projects would include the restoration or preservation of *publicly owned* railroad depots, locomotives, antique automobile museums and displays, etc. "Operation" means only restoring a building or facility to operational standards and *does not* include subsidies for ongoing operations. These facilities must be opened to the public and in public ownership. Only under rare instances could CTEP funds be used on a private property and never if a private property or facility was operated on a for-profit basis and/or not open to the general public.

Landscaping and Other Scenic Beautification

Projects under this category include landscaping or other beautification methods (such as period lighting, sprinkler systems). They must be intended to make the environment on public right-of-way and within the viewshed of a major roadway or pedestrian/bicycle path more aesthetically pleasing to transportation facility users.

Historic Preservation

Projects under this category would involve anything of a "historic" nature as defined above, as long as it could be shown it is related to the transportation system by function, proximity, or impact.

Archaeological Planning and Research

Projects in this category would include archaeological studies and related documentation of areas or issues that have a direct relationship to the transportation system such as the Lewis and Clark Trail, the Bozeman Trail, an old stagecoach road, etc.

Mitigation of Water Pollution Due to Highway Runoff

Projects under this category would include mitigating any pollution that can be attributed to runoff from the roadway itself. Mitigation of storm water runoff problems, if it is not a pollution problem, is not eligible for CTEP funding.

Preservation of Abandoned Railway Corridors (including the conversion and use for pedestrian or bicycle trails)

Projects under this category might involve the acquisition of railway corridors (or easements thereon) for public use by bicyclists and pedestrians. Informational signing about the current usage or the historical aspects would also be eligible.

Control and Removal of Outdoor Advertising

Projects under this category would include the removal of non-conforming signs as defined under applicable state and federal legislation.

5. What relationship does your project have to the community's transportation system?

Check one (or more, if appropriate).

In order to be eligible for CTEP funding, each project must have a direct relationship to at least one element of the transportation system—highways and roads, railroads, airports, and bicycle or pedestrian facilities. It's relationship must be one or more of the following:

☒ **Function (has a functional relationship to the transportation system)**

The project must serve as a functional component of the transportation system such as a bicycle or pedestrian path, a bicycle rack, a pedestrian bench, etc.

☒ **Proximity (is adjacent to or in near proximity to the transportation system)**

The project must be in the immediate vicinity of the transportation system such that, for example, a historic building renovation or landscaping is within the viewshed of and can be enjoyed by the traveling public. Removal of outdoor advertising is also eligible in this category.

☐ **Impact (impacts the transportation system)**

The project must impact the transportation system such as resurfacing a deteriorated bicycle path. (Note: Resurfacing or construction of roadways used primarily for vehicular use is not eligible for CTEP funding.).

6. Describe below in detail how your project relates to each of the boxes checked in items four and five and how the items in four and five relate to each other.

Your project must have a direct link to the transportation system. The stronger this link is, the better the chance the project will be eligible.

(Attach additional sheet if necessary.)

The Pedestrian and Bicycle Facility would enhance U.S. Highway No. 2. It would also provide safety to the Bikers and Walkers exercising by keeping them off the highways and streets. It may also be used by wheel chair people from the Sweet Nursing Home.



Bike/Ped Path Chinook

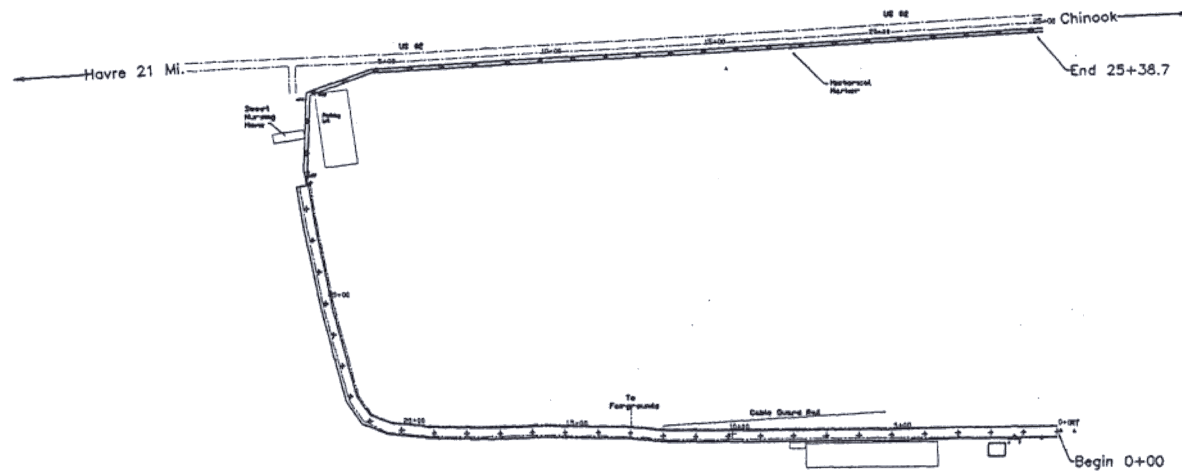
STPE 3(23) [2873]



Project Length = 1.0 Miles

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COVER SHEET	1
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TYPICALS	2
LAYOUT	3
CROSS-SECTIONS	4-6
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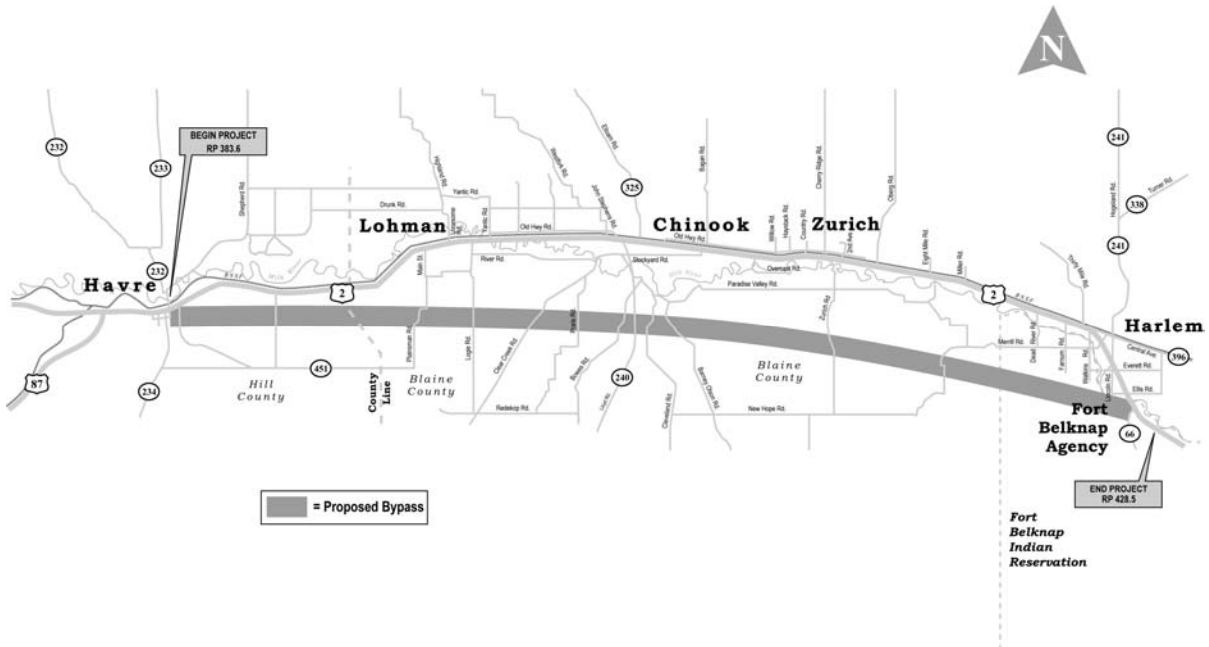


APPENDIX C – Alternatives Considered but Eliminated

US 2 Havre to Fort Belknap

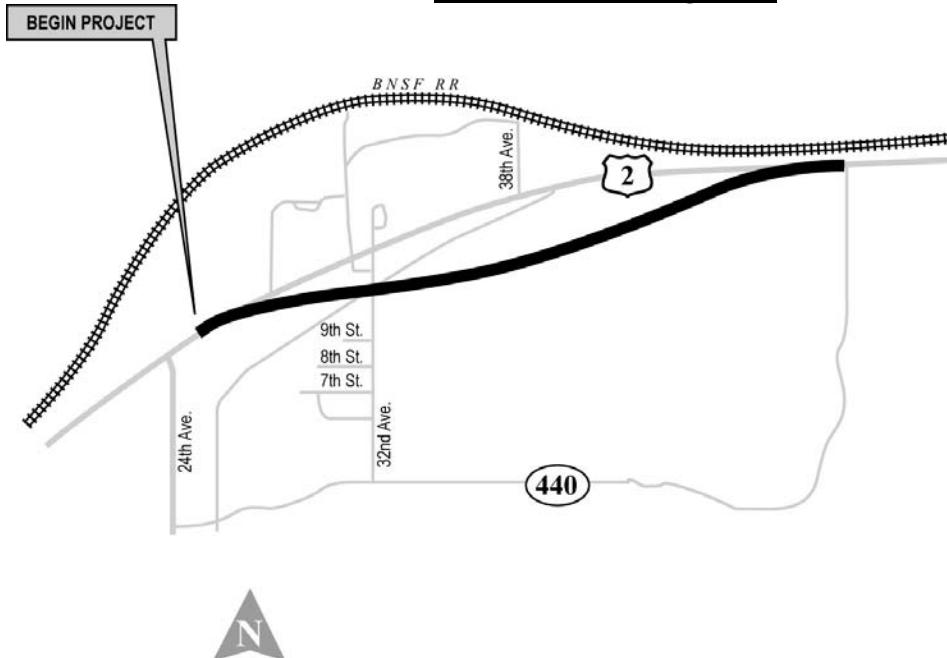
CORRIDOR ALTERNATIVE ELIMINATED

Southern Corridor Bypass



LOCALIZED ALTERNATIVES ELIMINATED

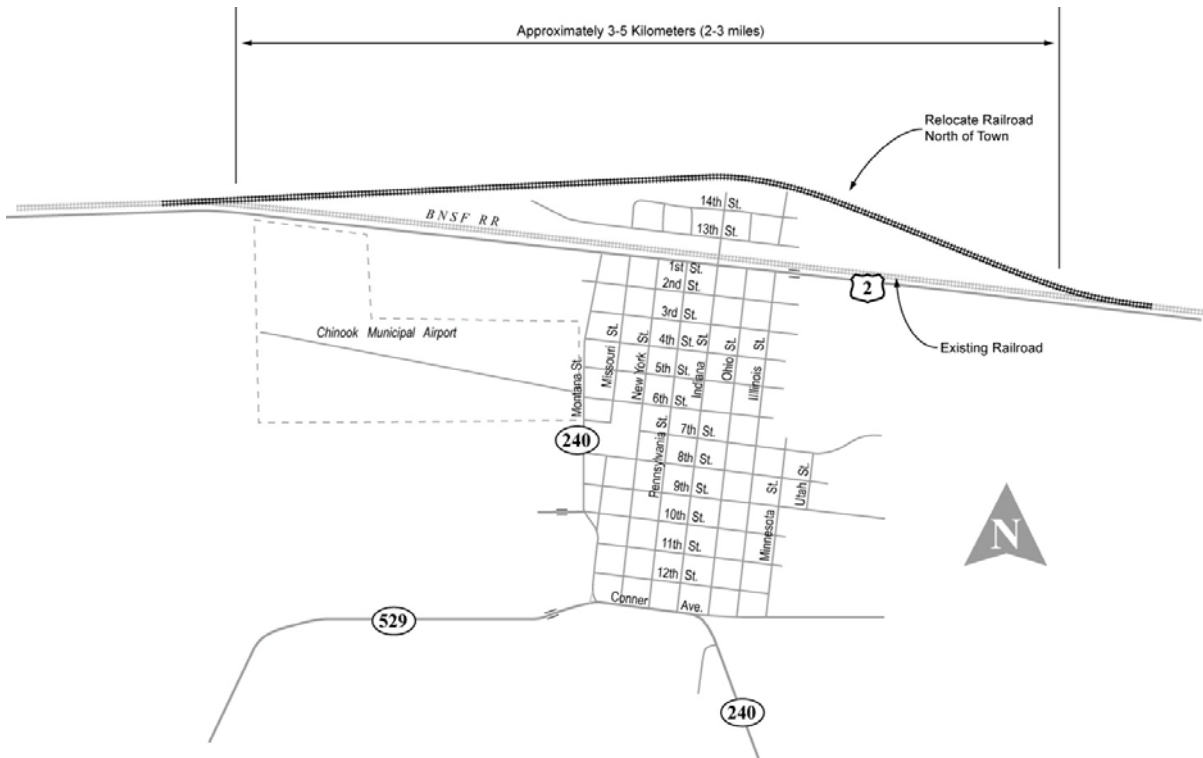
Havre East New Alignment



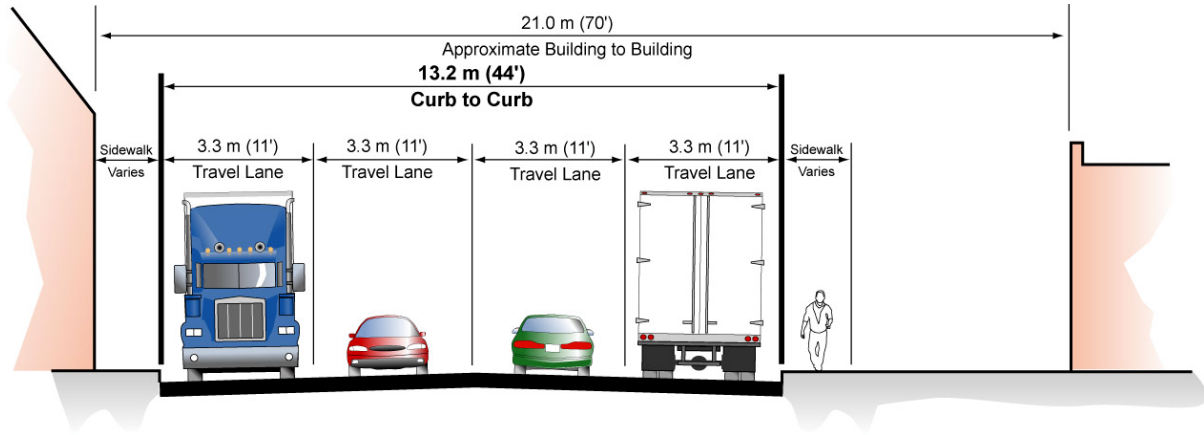
Chinook Southern Bypass



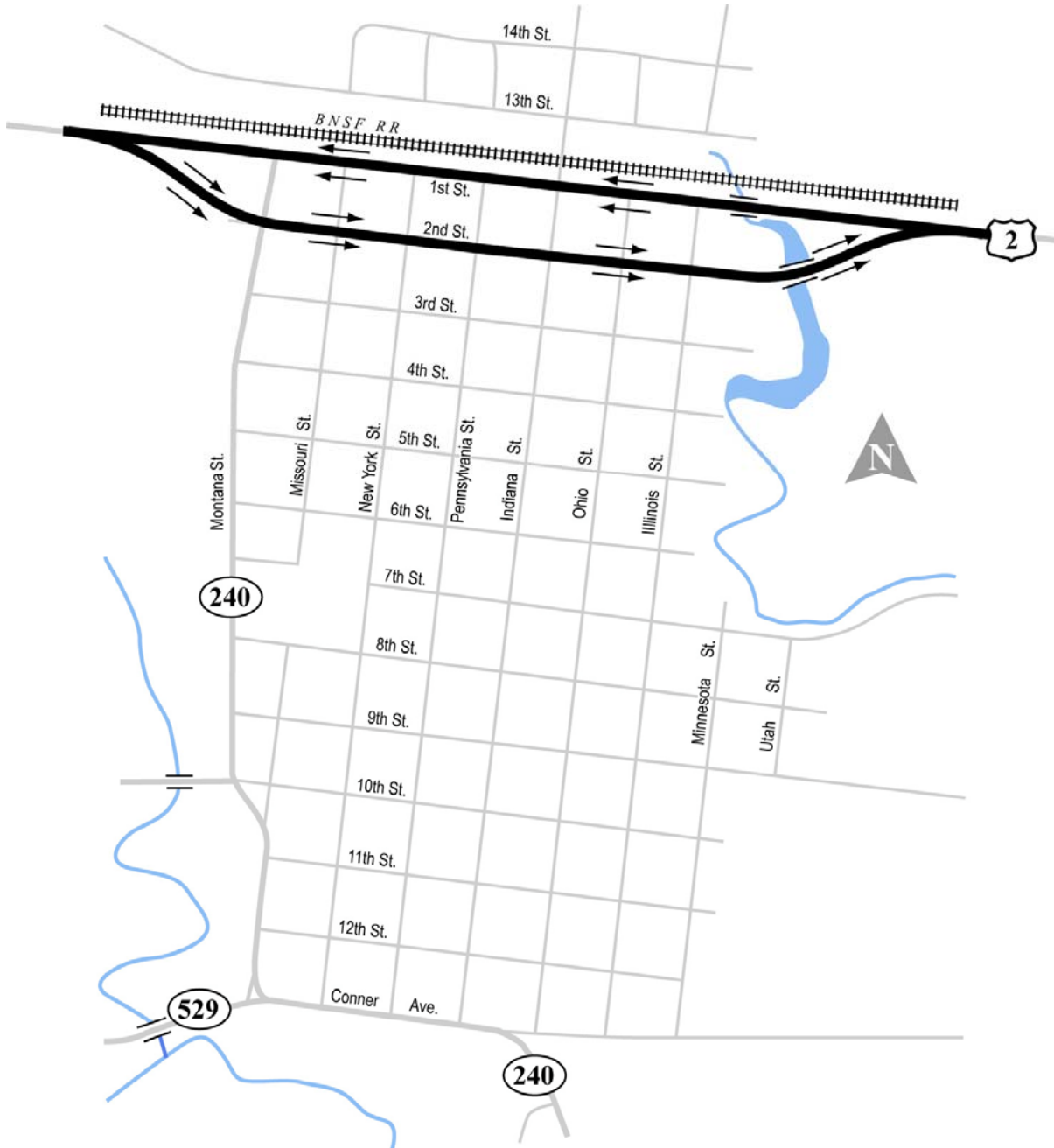
Chinook Move Railroad



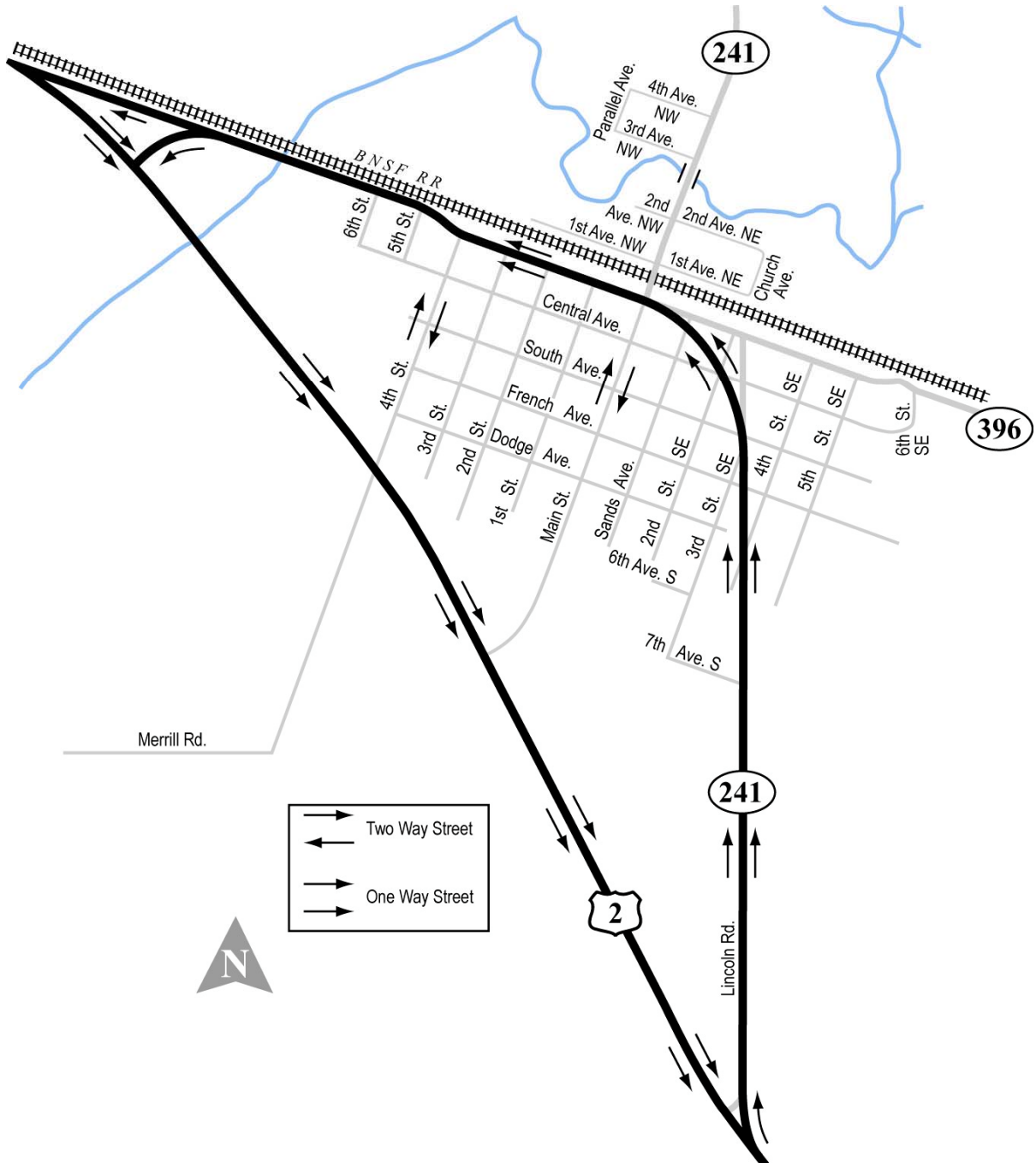
Four Narrow Lanes Through Chinook



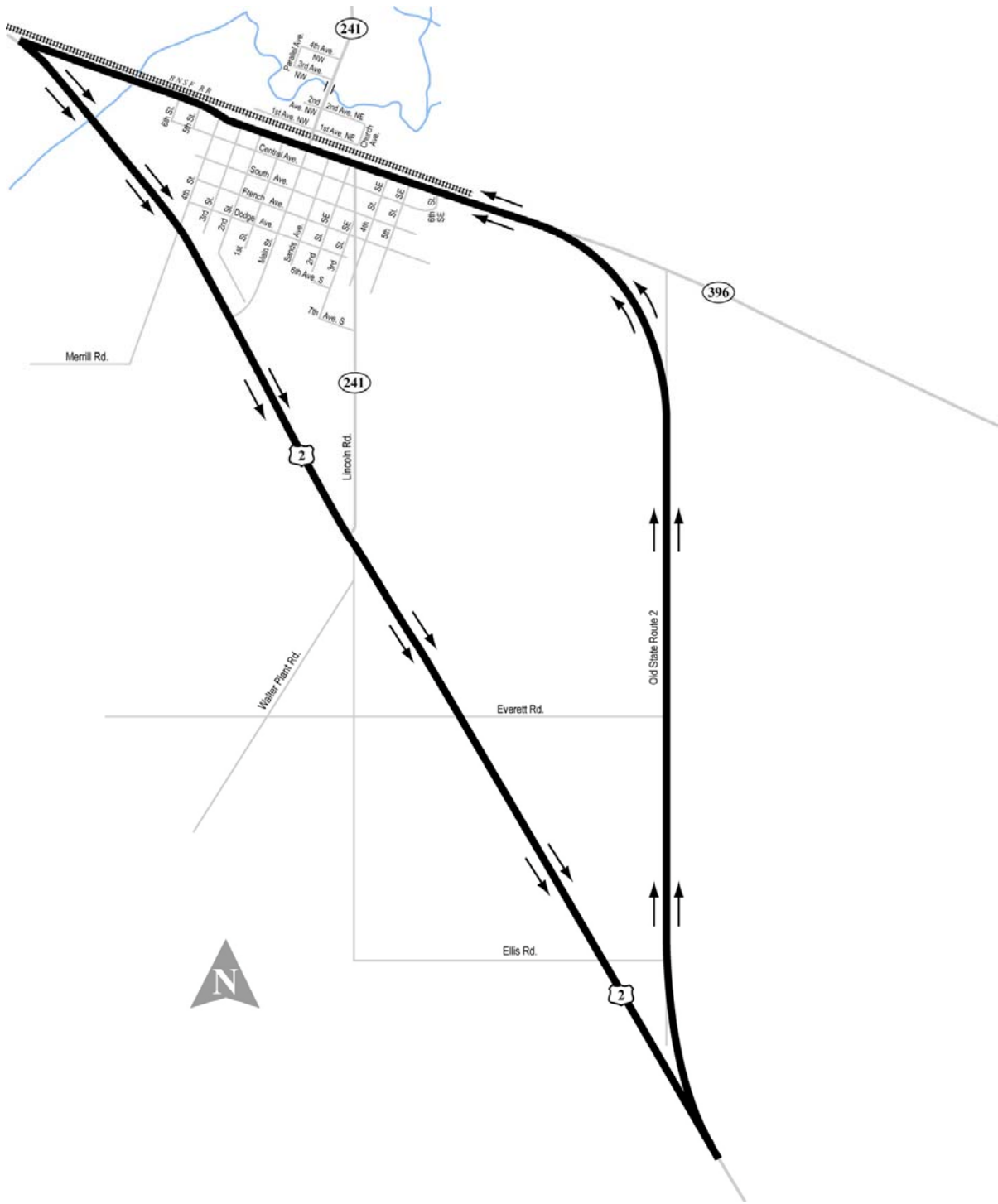
Chinook One-Way Couplet



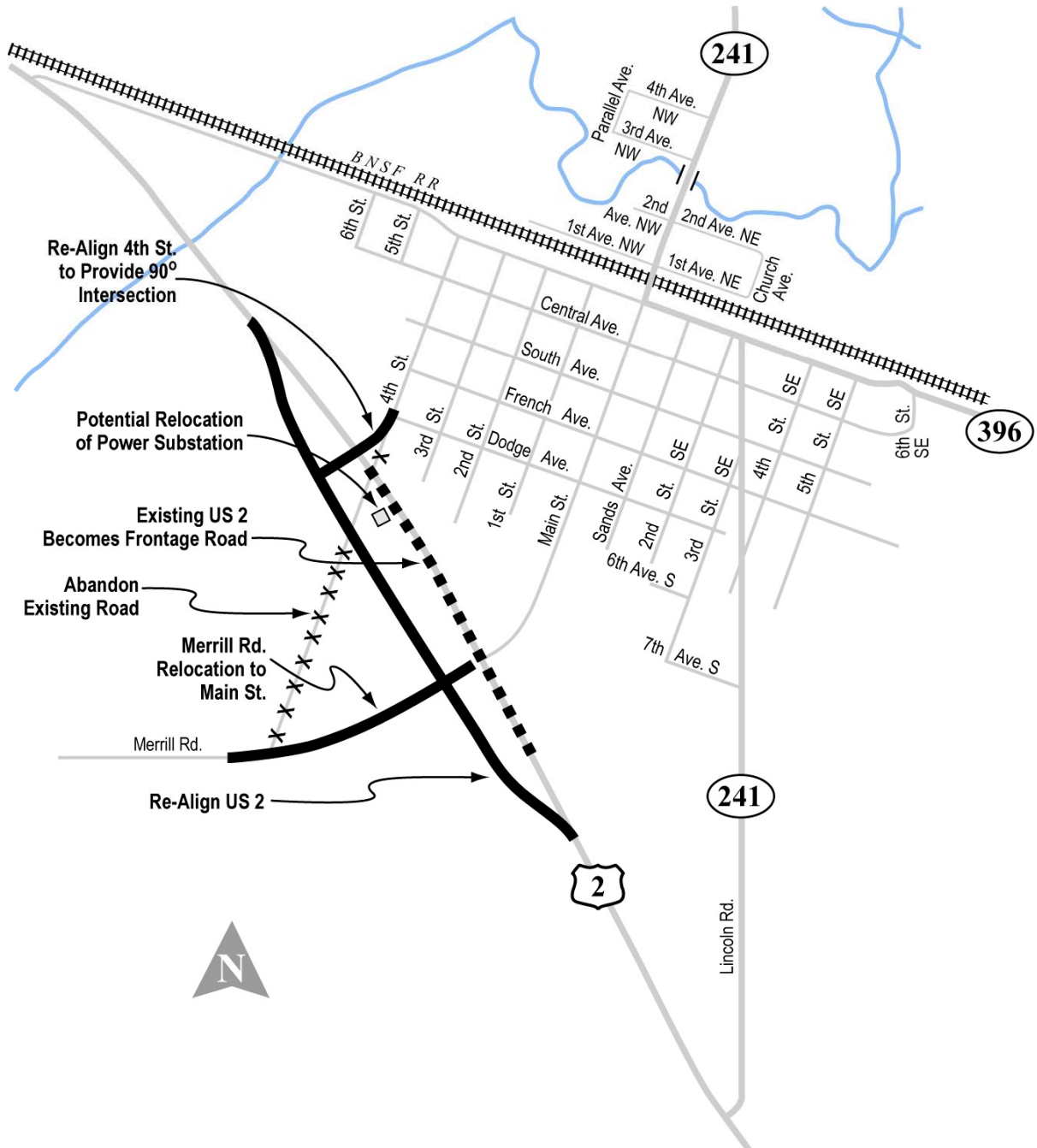
One-Way Couplet through Harlem - Harlem Lincoln Road One-Way Couplet



One-Way Couplet through Harlem - Harlem Old Highway 2 Couplet



Harlem Frontage Road





June 2004

APPENDIX D – Farmland Conversion Impact Rating (Form AD-1006)

Please note the following:

Site A = Improved Two-Lane Alternative

Site B = Improved Two-Lane with Passing Lanes Alternative

Site C = Four-Lane Undivided Alternative

Site D = Four-Lane Divided Alternative

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 9/9/03			
Name Of Project US 2 - Havre to Fort Belknap		Federal Agency Involved Federal Highway Administration			
Proposed Land Use Roadway Right-of-Way		County And State Blaine County, Montana			
PART II (To be completed by NRCS)		Date Request Received By NRCS			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply – do not complete additional parts of this form).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated 75000	Average Farm Size 4162
Major Crop(s) wheat, barley, alfalfa hay	Farmable Land In Govt. Jurisdiction Acres: 1803364 % 63	Amount Of Farmland As Defined in FPPA Acres: 897504 % 32			
Name Of Land Evaluation System Used Productivity Index	Name Of Local Site Assessment System	Date Land Evaluation Returned By NRCS 10/23/03			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		55.2	58.4	62.7	82.3
B. Total Acres To Be Converted Indirectly		0.3	0.5	0.5	0.5
C. Total Acres In Site		55.5	58.9	63.2	82.8
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		48.8	51.1	54.9	69.4
B. Total Acres Statewide And Local Important Farmland		6.4	7.3	7.8	12.9
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted		0.0	0.0	0.0	0.0
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value		29.0	29.0	29.0	29.0
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		67	67	67	67
PART VI (To be completed by Federal Agency)					
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points				
1. Area In Nonurban Use	15	15	15	15	
2. Perimeter In Nonurban Use	5	5			
3. Percent Of Site Being Farmed	17	16			
4. Protection Provided By State And Local Government	0	0	0	0	
5. Distance From Urban Builtup Area	0	0	0	0	
6. Distance To Urban Support Services	0	0	0	0	
7. Size Of Present Farm Unit Compared To Average	0	0	0	0	
8. Creation Of Nonfarmable Farmland	0	0	0	0	
9. Availability Of Farm Support Services	5	5	5	5	
10. On-Farm Investments	0	2	3	2	
11. Effects Of Conversion On Farm Support Services	0	0	0	0	
12. Compatibility With Existing Agricultural Use	0	0	0	0	
TOTAL SITE ASSESSMENT POINTS	160	42	43	44	42
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	67	67	67	67
Total Site Assessment (From Part VI above or a local site assessment)	160	42	43	44	
TOTAL POINTS (Total of above 2 lines)	260	109	110	111	
Site Selected: To be determined	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 9/9/03			
Name Of Project US 2 - Havre to Fort Belknap		Federal Agency Involved Federal Highway Administration			
Proposed Land Use Roadway Right-of-Way		County And State Hill County, Montana			
PART II (To be completed by NRCS)		Date Request Received By NRCS			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated 1602	Average Farm Size 1890
Major Crop(s) winter wheat, spring wheat, barley	Farmable Land In Govt. Jurisdiction Acres: 1505252 % 81	Amount Of Farmland As Defined in FPPA Acres: 1250364 % 67			
Name Of Land Evaluation System Used productivity index	Name Of Local Site Assessment System	Date Land Evaluation Returned By NRCS 10/23/03			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		30.7	31.1	32.9	45.8
B. Total Acres To Be Converted Indirectly		0.0	0.0	0.0	0.0
C. Total Acres In Site		60.7	62.1	62.9	45.8
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		8.6	8.6	10.1	13.4
B. Total Acres Statewide And Local Important Farmland		22.1	22.5	22.8	32.4
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value		56.0	56.0	56.0	56.0
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		57	57	57	57
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))		Maximum Points			
1. Area In Nonurban Use		13	13	13	13
2. Perimeter In Nonurban Use		5	4	5	5
3. Percent Of Site Being Farmed		0	0	0	0
4. Protection Provided By State And Local Government		0	0	0	0
5. Distance From Urban Buildup Area		0	0	0	0
6. Distance To Urban Support Services		0	0	0	0
7. Size Of Present Farm Unit Compared To Average		0	0	0	0
8. Creation Of Nonfarmable Farmland		0	0	0	0
9. Availability Of Farm Support Services		5	5	5	5
10. On-Farm Investments		0	1	1	0
11. Effects Of Conversion On Farm Support Services		0	0	0	
12. Compatibility With Existing Agricultural Use		0	0	0	
TOTAL SITE ASSESSMENT POINTS		160	23	24	
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100	57	57	57
Total Site Assessment (From Part VI above or a local site assessment)		160	23	24	
TOTAL POINTS (Total of above 2 lines)		260	80	81	80
Site Selected: To be determined		Date Of Selection		Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	



June 2004

APPENDIX E – 404 Permit Evaluation

DRAFT

SECTION 404(b)(1) EVALUATION

US 2, HAVRE TO FORT BELKNAP

PLH-TCSP 1-6(44)384

C.N. 4951

Prepared for:

Montana Department of Transportation

Prepared by:

DAVID EVANS AND ASSOCIATES, INC.

1331 17th Street Suite 900

Denver, CO 80202

June 2004

DRAFT

SECTION 404(b)(1) EVALUATION

US 2, HAVRE TO FORT BELKNAP

PLH-TCSP 1-6(44)384

C.N. 4951

APPLICANT:

APPLICATION NUMBER:

PROJECT:

Prepared for:

Montana Department of Transportation

Prepared by:

Kristen Andersen
Biologist

DAVID EVANS AND ASSOCIATES, INC.
1331 17th Street Suite 900
Denver, CO 80202

June 2004

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SECTION I. INTRODUCTION

The 404(b)(1) guidelines included in Title 40 of the Code of Federal Regulations, Part 230, provide the substantive criteria used in evaluating discharges of dredged or fill material in waters of the United States under Section 404 of the Clean Water Act. These criteria are applicable to all 404 permit decisions. The 404(b)(1) guidelines establish that dredged or fill material should not be discharged into the aquatic ecosystem unless it can be demonstrated that such discharges would not have unacceptable adverse impacts either individually or in combination with known and/or probable impacts of other activities affecting the ecosystem.

Section 230.10 of Subpart B of the 404(b)(1) guidelines establishes four conditions that must be satisfied to make a finding that a proposed discharge complies with the guidelines. These conditions include:

- a) Except as provided under Section 404(b)(2), no discharge of dredged material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences;
- b) No discharge of dredged or fill material shall be permitted if it violates state water quality standards, Section 307 of the Clean Water Act, or the Endangered Species Act of 1973;
- c) No discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States; and
- d) Except as provided under section 404(b)(2), no discharge shall be permitted unless appropriate and practicable steps have been taken which will minimize adverse impacts of the discharge on the aquatic ecosystem.

Adverse impacts may be offset by compensatory mitigation to bring the proposed project into compliance with the 404(b)(1) guidelines. Impacts must be avoided to the maximum extent practicable and remaining unavoidable impacts will then be mitigated to the extent appropriate and practicable by taking steps to minimize impacts and compensate for the loss of aquatic resource functions and values.

Section 230.11 sets forth the factual determinations which must be considered in determining whether a proposed discharge satisfies the four conditions of compliance. These determinations are contained in the following sections of this evaluation.

SECTION II. PROJECT DESCRIPTION

A. LOCATION

The project area is located in Hill and Blaine Counties, in northeastern Montana. The project begins at the end of the curb and gutter section east of Havre in Hill County at Reference Post (RP) 383.655, and extends east for 72 kilometers (km) (45 miles (mi)) to RP 428.518 just southeast of Fort Belknap in Blaine County. The project corridor also passes through the towns of Lohman, Chinook, and Zurich. The width of the study area along the corridor generally extends from the north side of the Burlington Northern Santa Fe (BNSF) Railway right-of-way to approximately 244 meters (m) (800 feet (ft)) south of the US 2 existing pavement. The study area also extends south on MT Highway 66 located near the eastern terminus of the project to encompass transitions to the intersection with US 2. Figure 1 shows the location of the project corridor.

B. GENERAL DESCRIPTION

The Montana Department of Transportation (MDT) in cooperation with the Federal Highway Administration (FHWA) is proposing to provide improvements to US 2 that provide an efficient highway to support economic vitality, reduce roadway deficiencies, improve safety, and improve traffic operations. The project would consist of a full reconstruction with new horizontal and vertical alignments. Replacing the aging US 2 facility with an efficient and safe highway would benefit local communities, agriculture, industry, commerce and tourism. The project would fit the physical setting of the area in order to preserve and enhance the area's scenic, cultural, historic, environmental and commercial resources.

An Environmental Impact Statement (EIS) has been prepared to examine various alternatives for improving transportation in the corridor and to identify the associated environmental impacts from these alternatives. The document is currently in draft form. Figures depicting the alternatives are shown in the EIS. A brief discussion of the alternatives is provided below.

No-Build Alternative

The No-Build Alternative would provide no improvements to US 2 from Havre to Fort Belknap. The existing roadway deficiencies, including narrow shoulders, obstruction in the clear zone and steep side slopes would not be addressed. The alternative would not improve safety or traffic operations in the corridor. It is assumed that maintenance of the facility would continue under this alternative.

Improved Two-Lane Alternative

This alternative would consist of two 3.6 m (12 ft) travel lanes and 2.4 m (8 ft) shoulders in rural segments of the project corridor. This typical section represents MDT's standard minimum width for a rural Non-Interstate National Highway System highway. The section would differ in the urban areas of the corridor. The Havre east segment would serve as a

transition area between the existing four-lane section in Havre and the improved two-lane section to the east. Through Chinook, the section would remain within the existing curb lines and would accommodate two travel lanes and two shoulder/parking lanes. In Harlem, the highway section would include two travel lanes, a center turn lane or a series of left turn lanes, and westbound acceleration and deceleration lanes where needed. In Fort Belknap, the section would resemble the existing configuration, with two travel lanes and acceleration and deceleration lanes where needed. Intersection improvements would be incorporated in rural sections and in communities where warranted by traffic operations or railroad crossing conditions.

Improved Two-Lane with Passing Lanes Alternative

This alternative would consist of two 3.6 m (12 ft) travel lanes and 2.4 m (8 ft) shoulders with an intermittent 3.6 m (12 ft) passing lane in certain locations in the project corridor. The passing lane would serve to clear traffic around slower vehicles exiting communities and in several locations in rural sections in the corridor. The total roadway section width would be 12 m (40 ft) in two-lane sections and 15.6 m (52 ft) in three-lane sections.

The section would differ in the urban areas of the corridor. The Havre East segment would serve as a transition area between the existing four-lane section in Havre and the improved two-lane section to the east. Through Chinook, the section would remain within the existing curb lines and would accommodate two travel lanes and a center turn lane with limited on-street parking in select locations. Through Harlem and Fort Belknap, the highway section would resemble the section described for the Improved Two-Lane Alternative. Intersection improvements would be incorporated in rural sections and in communities where warranted by traffic operations or railroad crossing conditions.

Four-Lane Undivided Alternative

This alternative would consist of four 3.6 m (12 ft) travel lanes and 2.4 m (8 ft) shoulders in rural segments of the project corridor. There would be no median dividing opposing travel lanes, and the total roadway section width would be 19.2 m (64 ft).

In the Havre East segment, the highway would consist of four travel lanes with a center turn lane or series of left turn lanes. Through Chinook, the four-lane section would consist of four travel lanes and two shoulder/parking lanes. The highway would maintain its current north curb line and expand south beyond the current south curb line. Through Harlem, the section would consist of four travel lanes and a center turn lane or series of left turn lanes. The Fort Belknap segment would serve as a transition area between the existing two-lane section south of MT Highway 66 and the improved four-lane section to the north. Intersection improvements would be incorporated in rural sections and in communities where warranted by traffic operations or railroad crossing conditions.

Four-Lane Divided Alternative

This alternative would consist of four 3.6 m (12 ft) travel lanes and 2.4 m (8 ft) shoulders, divided by an 11 m (36 ft) median with 1.2 m (4 ft) inside shoulders in the rural segments of the project corridor. The total roadway section width would be 30.2 m (100 ft). Intersection improvements would be incorporated in rural sections and in communities where warranted by traffic operations or railroad crossing conditions.

This section would differ in the urban areas of the corridor. The Havre East segment would consist of four travel lanes and a center turn lane or series of left turn lanes. In Harlem the section would consist of four travel lanes with a center turn lane or series of left turn lanes. The Fort Belknap segment would serve as a transition area between the existing two-lane section south of MT Highway 66 and the new four-lane section to the north.

In Chinook, the section would consist of four travel lanes with a center turn lane and two shoulder/parking lanes. The railroad crossing at Indiana Street would be improved by shifting the highway centerline south 23 m (75 ft) to provide an increased offset from the railroad to improve safety.

Additional Improvements Common to All Alternatives

Context-sensitive design concepts would be incorporated into the four build alternatives. Common design treatments for elements such as landscape and entry features in communities, pedestrian crossings, and signage along US 2 would enhance corridor identity through consistency and would simplify information interpretation for highway users. For all alternatives, bicycle paths would be provided east of Havre, west of Chinook, and between Harlem and Fort Belknap.

C. AUTHORITY AND PURPOSE

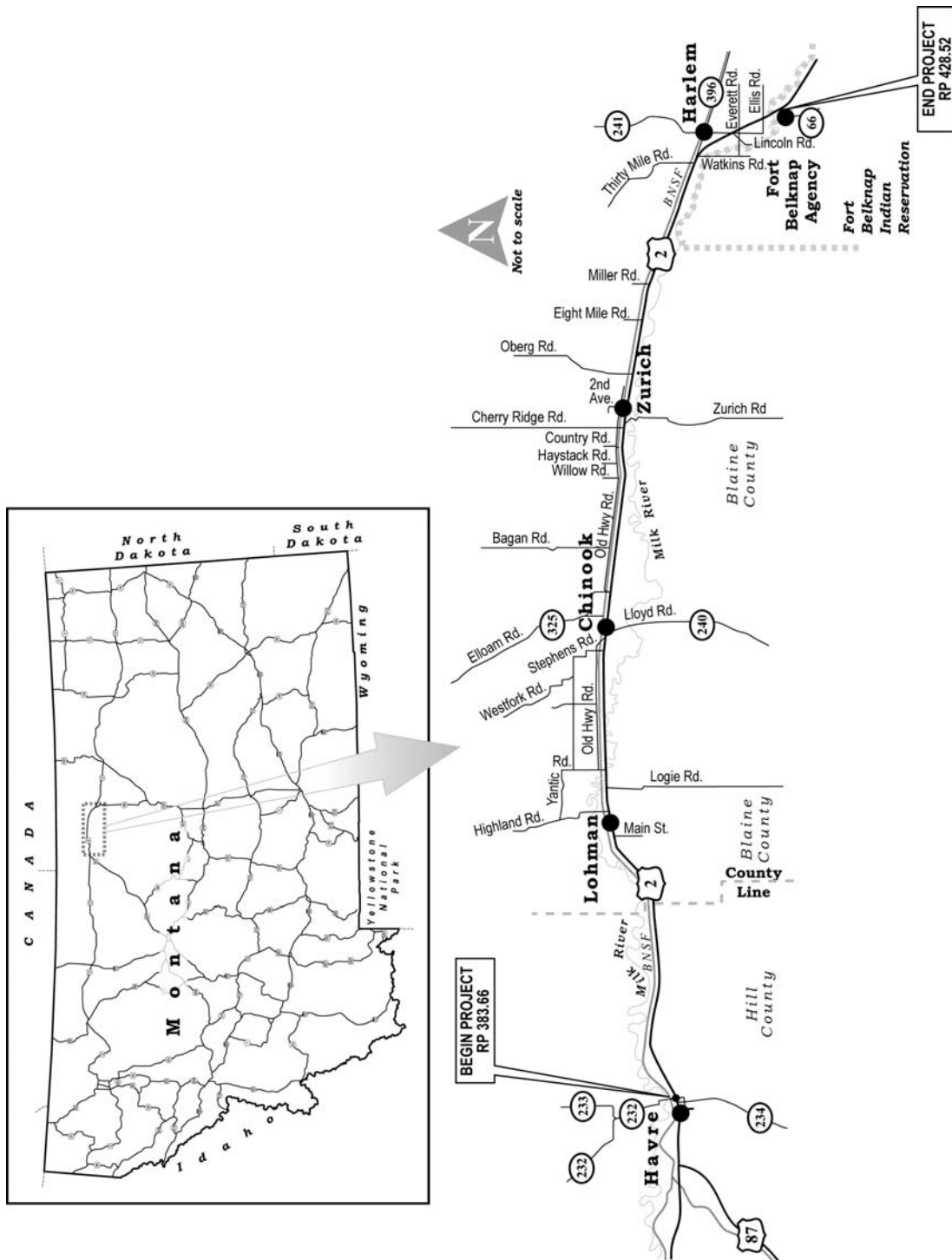
The Montana Transportation Commission has authorized environmental study for US 2 between Havre and Fort Belknap in response to Montana Code Annotated (MCA) 60-2-133 which directs the Transportation Commission to direct the Montana Department of Transportation to construct a four-lane highway across Montana on US 2. Prior to MCA 60-2-133, safety and traffic improvements had been identified for this segment of US 2. Current roadway deficiencies include narrow shoulders, obstructions in the clear zone and steep sideslopes. In addition, the provision of acceleration, deceleration and turn lanes and increasing the distance between the highway and railroad crossings would improve safety and traffic operations. The environmental impact statement to evaluate these improvements is being carried out under the auspices of the MDT with oversight and regulatory control from the Federal Highway Administration (FHWA). FHWA is providing the majority of funding for this project through allocations to MDT.

This project would provide highway improvements to US 2 that meet the following needs:

- Provide an efficient highway to support economic vitality,

- Reduce roadway deficiencies,
- Improve safety, and
- Improve traffic operations.

Figure 1. Project Location Map



D. GENERAL DESCRIPTION OF THE DREDGED OR FILL MATERIAL

1) General Characteristics of Material: Although no soil borings have been taken in the project corridor, the Soil Surveys of Hill County (USDA, 1989) and of Blaine County and Parts of Phillips County (USDA, 1986) mapped 34 soil series underlying the project area (Table 1).

Table 1: Soil Series Occurring in the Project Area

Hillon loam, 15 to 25 percent slopes	Harlem silty clay, saline	Havre Variant-Lardell silty clay loams	Ustic torrifluvents, wet	Kevin-hillon clay loams, 2 to 8 percent slopes
Hillon loam, 25 to 60 percent slopes	Harlem Variant-Lardell silty clay loams	Havre loam, 0 to 2 percent slopes	Cabbart-rock outcrop complex, 25 to 60 percent	Telstad-joplin loams, 0 to 4 percent slopes
Nishon clay loam	Havre loam	Lardell silty clay loam	Cabbart-hillon loams, 25 to 60 percent slopes	Scobey-hillon clay loams, 0 to 2 percent slopes
Glendive fine sandy loam	Havre loam, saline	Yamacall loam, 0 to 4 percent slopes	Hillon-kevin loams, 8 to 15 percent slopes	Havre-harlake clay loams, 0 to 2 percent slopes
Hanly loamy fine sand	Havre silty clay loam	Harlake clay, 0 to 2 percent slopes	Hillon-joplin loams, 8 to 15 percent slopes	Glendive fine sandy loam, calcareous, 0 to 2 percent
Harlem silty clay loam	Havre silty clay loam, saline	Kremlin loam, 0 to 4 percent slopes	Hanly loamy fine sand, 0 to 2 percent slopes	Bowdoin clay
Harlem silty clay	Havre, Hanly, and Glendive soil	Telstad-Joplin loam, 0 to 4 percent slopes	Joplin-hillon loams, 2 to 8 percent slopes	

The *Preliminary Geotechnical Evaluation*, August 14, 2003, Terracon (on file with MDT) indicates that Quaternary Age alluvium primarily consisting of fine-grained sand, silt, and clay, covers the Milk River Valley. The foothills are predominantly Cretaceous Age shale and sandstone associated with the Judith River Formation. Glacial drift often masks the Judith River Formation and may also be present. Slopes of the project vary from level to moderate with level conditions being the most common.

2) Quantity of Material: The majority of the wetland encroachments or fills in wetland areas will be the result of the reconstructed highway crossing riparian areas. Most will be encroachments transversed to the direction of stream flow. Therefore, most encroachments would involve approach fills, construction of abutments and piers for bridges, or placement of fill over culverts and other required grading necessary for the crossings. Elsewhere, encroachment into wetland areas would result from widening the highway to accommodate wider shoulders or additional lanes with wider shoulders.

Wetland discharge sites that occur within riparian areas are associated with surface water sources, such as streams and creeks. Other discharge sites are wetlands that occur in the

non-riparian areas and are supported by groundwater or irrigation sources. There are 30 bridges or culvert crossings in the project area that are proposed for replacement as part of the proposed project under the Improved Two-Lane Alternative, and 31 bridges or culverts would be replaced under the Improved Two-Lane with Passing Lanes, Four-Lane Undivided and Four-Lane Divided alternatives. Numerous irrigation culverts in the proposed project area would also be replaced. However, only seven of the 32 existing bridges and one area where the Milk River is located close to the existing highway (RP 413.0) (Table 2) contain sensitive fish species that may be affected by the bridge replacements (structure type to be determined during final design) or widening of the roadway (no aquatic species surveys have been conducted in Fifteen Mile Creek). Volumes have not been calculated for fill material that may be placed within the ordinary high water mark associated with these crossings. The area of proposed fill placement in wetlands is summarized in Table 3.

Table 2: Major Stream Crossing Locations

Stream Crossing	RP	MTNHP Sensitive Fish Species or MFWP Game Fish Species ¹	Existing Structure to be Replaced
Milk River (two bridges)	397.8 and 427.9	MTNHP - sauger (G5/S2)	Bridge(s)
Milk River fill area	413.0	Game species - walleye	
Little Box Elder Creek	389.1	No MTNHP fish species	Bridge
Clear Creek	395.9	No MTNHP fish species Game species – walleye	Bridge
Red Rock Creek (Coulee)	402.3	MTNHP - pearl dace (G5/S2) Game species - walleye	Bridge
Lodge Creek	404.5	MTNHP - northern redbelly/finescale dace (GNA/S3), pearl dace (G5/S2), and sauger (G5/S2) Game species - walleye	Bridge
Battle Creek	410.0	MTNHP - sauger (G5/S2) and pearl dace (G5/S2) Game species - walleye	Bridge
Fifteen Mile Creek	413.8	No surveys have been conducted	Bridge

¹ No Federally listed fish species.

3) **Source of Material:** According to the geotechnical evaluation, a large volume of aggregates is required for the base course and asphalt concrete production. However, extensive gravel deposits do not appear to be present within the project corridor with the exception of localized deposits from glacial drift in the western half of the project area. More extensive aggregate deposits occur on the foothills south of the project within a reasonable haul distance and should provide a ready source for fill, surfacing, and borrow materials.

Fill material used for widening and construction of approaches to bridges and fills over culverts will likely be embankment material generated on-site or nearby through excavation of cut areas along the roadway. The Milk River Valley floor consists of clay soils that appear to have been used for constructing the existing embankments and are considered suitable for constructing the new embankments that would be associated with construction in the river valley.

No specific borrow source locations have been identified to date. Borrow will not be taken from areas without the proper environmental and archaeological clearances. Borrow sources will likely be chosen which are within close proximity to the project area and therefore will be similar to the on-site soils.

E. DESCRIPTION OF THE PROPOSED DISCHARGE SITES

A Biological Resources Report (BRR) was prepared for this study (David Evans and Associates, Inc., 2003). The BRR documents the methodology used in delineating the wetlands and documents the location, size, and type of wetlands identified within the project corridor. Wetland area that may be impacted by each proposed alternative is identified in Tables 3 and 4.

- 1) Location of Sites: The project corridor is located within the Upper Missouri Drainage Basin and the Milk River watershed sub-basin identified as USGS hydrologic unit code (HUC) 10050004. The majority of the wetlands within the project corridor are associated with the riparian areas of the Milk River and its tributaries, and ditch features along the highway and within agricultural areas.
- 2) Size of Sites: The wetlands were delineated following the *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory, 1987) and subsequent U.S. Army Corps of Engineers (COE) guidance. The width of the study area along the corridor extends from the north side of the BNSF Railway right-of-way to approximately 244 m (800 ft) south of the US 2 existing pavement. The study area also extends south on MT Highway 66 located near the eastern terminus of the project to encompass transitions to the intersection with US 2. Because of the extent of wetlands in and adjacent to the highway right-of-way, the entire corridor was walked. Boundaries of the wetland areas were surveyed with Global Positioning System equipment to determine the area.
- 3) Type of Sites: A variety of wetland resources occur along the project corridor. The highway crosses numerous perennial and intermittent creeks, many of which are dominated by riparian communities. Wetlands typically comprise 50 to 90 percent of these areas. Other wetlands occur in ditches and excavated ponds. Primary influences on wetland hydrology include a high groundwater table and the presence of surface water conveyance channels created during the original construction of the highway to collect runoff, or for irrigation purposes. The existing highway and parallel railroad bed act as an impoundment in some areas so that standing water is present for more than six months of the year in the deeper borrow areas.

- 4) Types of Wetland Habitat: Wetlands were divided into three categories: jurisdictional wetlands, non-jurisdictional wetland areas, and non-jurisdictional ditches and canals. The COE makes the final determination on the jurisdiction of wetlands; so prior to final design or any construction, all appropriate regulatory agencies would be contacted to verify the findings of this report and to obtain appropriate approvals and permits. The following guidelines were used by DEA biologists in determining the jurisdiction of wetland areas in the field:

COE Jurisdiction. Jurisdictional wetlands are defined by the COE as areas which possess the three mandatory parameters described in Section 404 of the Clean Water Act (CWA) which are hydrophytic vegetation, hydric soils, and wetland hydrology. Non-jurisdictional wetland areas were defined as wetlands not connected to other wetlands or waterbodies by surface water or ground water based on the United States Supreme Court ruling of the Solid Waste Agency of Northern Cook County vs. US Army Corps of Engineers (SWANCC Decision), No.99-1178, January 9, 2001. Non-jurisdictional ditches possess the three parameters described above, but are unnatural areas created in non-wetlands with the intent to collect water in ditches, and are not subject to the regulatory authority of the CWA.

The COE's policies regarding regulatory jurisdiction in wetlands artificially created by seepage, wetlands in artificially irrigated areas, and wetlands in roadside ditches are discussed in Regulatory Guidance letters MRO 92-02 (COE, 1992a), MRO 92-01 (COE, 1992), and MRO 95-10 (COE, 1995) respectively.

Generally, the COE maintains jurisdiction over wetlands that are hydrologically charged by irrigation seepage as long as the seepage is considered "normal circumstances" for the wetlands it creates (COE, 1992a). The COE does not generally maintain jurisdiction over wetlands in artificially irrigated areas unless the wetland has additional hydrological sources, the wetland is of significant regional or local value, or elimination of the irrigation could not be accomplished in the near future (COE, 1992).

According to published guidance, the COE generally does not consider ditches excavated on dry land as jurisdictional "waters of the United States." It is the COE's intent that jurisdiction of these areas be taken only in exceptional cases, and that normally they will not regulate the filling of such ditches (COE, 1995). Ditches will be reviewed on a case by case basis to determine if they are jurisdictional.

Most sites categorized as non-jurisdictional were linear drainages, irrigation and roadside ditches, and canals that did not convey or intersect waters of the U.S. or a jurisdictional wetland. If the ditch was constructed in uplands but had developed wetland attributes, it was considered non-jurisdictional. If mapping research revealed that the wetland was naturally occurring, but had been channelized in or near the project corridor, this area was considered a jurisdictional wetland. If a linear ditch conveyed or intersected water from a source that is clearly a jurisdictional wetland, then the ditch was considered a jurisdictional wetland, although in some cases, where wetland attributes were less clear, ditches were categorized as non-jurisdictional. Ditches that conveyed waters of the U.S. were categorized as jurisdictional wetlands.

All of the areas that were determined to be wetlands, whether they be jurisdictional or non-jurisdictional, are subject to regulation by the COE during the permit review process.

Executive Order 11990. Wetlands are also protected by Executive Order (EO) 11990, which implements a “no net loss” wetland policy with respect to federal actions. FHWA is guided by EO 11990, which directs Federal agencies to avoid new construction in wetlands unless there is no practicable alternative. EO 11990 makes no distinction between wetlands under the jurisdiction of the COE and isolated, intrastate wetlands. If the COE agrees that the wetland is not under its jurisdiction, FHWA and MDT must still decide under EO 11990 if there is a practicable alternative to using the wetland area. If avoidance is not possible, then FHWA and MDT must determine that all practicable mitigation to the wetland is considered and ultimately implemented (USDOT, 2004).

COE Regulatory Guidance Letter 95-10. Per Regulatory Guidance Letter 95-10, road ditches that capture flow and convey waters of the U.S. would be regulated by the COE. Typical ditches constructed in uplands for borrow and/or drainage are non-jurisdictional (they are not located in a wetland or water of the U.S.). In addition, ditches constructed in uplands that develop wetland characteristics would only be considered jurisdictional in exceptional cases, and normally the filling of ditches that were originally excavated on dry land is not regulated. If the area surrounding a ditch has been under cultivation for a long period of time, the ditch would not be regulated under Section 404 of the CWA and is not jurisdictional.

COE Regulation 33 CFR 328.3 (a)(7) provides that wetlands adjacent to waters of the U.S. are also waters of the U.S. The term adjacent means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers (highways), natural river berms, and the like are adjacent wetlands.

SWANCC Decision. Based on the United States Supreme Court ruling of the Solid Waste Agency of Northern Cook County vs. US Army Corps of Engineers (SWANCC Decision), No. 99-1178, January 9, 2001, isolated wetlands may be defined as wetlands not connected to other wetlands or waterbodies by surface water or ground water. If the COE determines that a wetland is isolated, the COE would not have jurisdiction over the wetland. Filling or altering of such a wetland would be subject to regulation by the state. The state's process for reviewing projects that involve isolated wetlands would be different from the 401 Water Quality Certification process, which is triggered by the COE's 404 permit.

- 5) **Timing and Duration of Discharge:** The timing and duration of construction activities will depend on the alternative chosen and the type of construction (bridge, road widening or new road construction). The project schedule and phasing will be determined during final design. The timing and duration will be established to minimize turbidity and other disturbances in the wetlands and streams. Construction schedules will be specified to avoid spawning and migration periods for sensitive species.

Table 3: Jurisdictional and Non-jurisdictional Wetland Impacts

	Wetland Area in Project Area	Estimated Wetland Impacts by Alternative				
		No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided
Jurisdictional Wetlands						
Total Area ¹	32.0 ha (79.5 ac)	0	2.7 ha (5.9 ac)	2.8 ha (6.4 ac)	3.3 ha (7.9 ac)	3.9 ha (9.7 ac)
Percent of Total Area ²	100%	0%	8.4%	8.8%	10.3%	12.2%
Non-Jurisdictional Wetland Areas						
Total Area ¹	24.5 ha (59.9 ac)	0	1.5 ha (3.8 ac)	1.5 ha (3.8 ac)	1.9 ha (4.8 ac)	3.1 ha (7.6 ac)
Percent of Total Area ²	100%	0%	6.1%	6.1%	7.8%	12.7%
Non-Jurisdictional Ditches and Canals						
Total Area ¹	13.4 ha (32.8 ac)	0	1.9 ha (4.9 ac)	2.0 ha (5.2 ac)	2.4 ha (6.0 ac)	3.4 ha (8.2 ac)
Percent of Total Area ²	100%	0%	14.2%	14.9%	17.9%	25.4%

Note: Impacts less than 0.04 ha (0.1 ac) are not included.

¹ The conversion from hectares to acres is not exact due to rounding for wetlands with small impact areas. For further detail on wetland impacts and rounding, please see the Biological Resources Report (DEA, December 2003).

² Percent of total area is calculated for hectares.

Source: David Evans and Associates, Inc., December 19, 2003. *US 2, Havre to Fort Belknap Biological Resources Report*. Please note that Total Area impacts for jurisdictional wetlands differ from the *Biological Resources Report* due to changes in wetland impacts at Wetland Qx as a result of the Milk River Bridge replacement project. Due to rounding, this difference is apparent in the two-lane alternatives but not in the four-lane alternatives in this table.

Table 4: Jurisdictional Wetland Impacts and Potential Mitigation

Wetland Description				Amount of Wetland Impacted by Alternative (Approximate)					Current Design		Additional Potential Mitigation
Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments	
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)			
C Little Box Elder Cr.	389.1	Perpendicular, mostly south	1.4 ha (3.4 ac)	0	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.1 ha (0.4 ac)	0.2 ha (0.5 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	After bridge construction, approximately 80% of impact area could be restored.
D	389.4	Parallel north and Perpendicular	0.7 ha (1.7 ac)	0	0*	0*	0*	0*	Minimized impacts	Alignment shifted south to minimize wetland impacts and to maintain desirable distance between RR crossing and roadway for traffic safety.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.
E	390.2	Parallel north and Perpendicular	0.1 ha (0.2 ac)	0	0*	0*	0*	0.04 ha (0.1 ac)	Minimized impacts	Alignment shifted south to minimize wetland impacts and to maintain desirable distance between railroad crossing and roadway for traffic safety.	Potential practicable mitigation measures will be investigated.
F	392.0	Parallel south	1.9 ha (4.6 ac)	0	0.2 ha (0.5 ac)	0.2 ha (0.6 ac)	0.3 ha (0.7 ac)	0.3 ha (0.7 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.
H	392.2	Parallel south and Perpendicular	1.0 ha (2.6 ac)	0	0.2 ha (0.4 ac)	0.2 ha (0.5 ac)	0.2 ha (0.5 ac)	0.2 ha (0.6 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.
L Clear Creek	395.9	Perpendicular, mostly south	1.2 ha (3.1 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	0.2 ha (0.4 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	After bridge construction, approximately 80% of impact area could be restored.

Wetland Description				Amount of Wetland Impacted by Alternative (Approximate)					Current Design		Additional Potential Mitigation
Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/ Minimized Impacts	Comments	
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)			
N	396.5	Parallel south	3.1 ha (7.6 ac)	0	0.2 ha (0.4 ac)	0.3 ha (0.7 ac)	0.3 ha (0.7 ac)	0.4 ha (0.9 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 3. Steepening side slope and adding guardrail, and 4. Using retaining walls.
Qx Milk River	397.8	Perpendicular, mostly south	0.3 ha (0.8 ac)	0	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	After bridge construction, approximately 80% of impact area could be restored.
P	398.2	Parallel south	2.1 ha (5.2 ac)	0	0*	0*	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing. This railroad separation further reduced to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls, and 3. Constructing a bridge.
Q	398.3	Parallel south	2.8 ha (6.9 ac)	0	0.4 ha (1.0 ac)	0.4 ha (1.0 ac)	0.5 ha (1.3 ac)	0.6 ha (1.6 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing. This railroad separation further reduced to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.
R Red Rock Creek (Coulee)	402.3	Perpendicular, mostly south	0.7 ha (1.8 ac)	0	0.1 ha (0.1 ac)	0.1 ha (0.1 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	Minimized impacts	Alignment shifted south and project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	After bridge construction, approximately 80% of impact area could be restored.
S	402.6	Parallel south and Perpendicular	0.1 ha (0.2 ac)	0	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.

Wetland Description				Amount of Wetland Impacted by Alternative (Approximate)					Current Design		Additional Potential Mitigation
Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/ Minimized Impacts	Comments	
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)			
V Unnamed Creek	404.0	Parallel north and Perpendicular	0.8 ha (2.0 ac)	0	0.2 ha (0.5 ac)	0.2 ha (0.5 ac)	0.2 ha (0.5 ac)	0.1 ha (0.3 ac)	Minimized impacts	Alignment shifted south and project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	After bridge construction, approximately 80% of impact area could be restored.
Px Lodge Creek	404.5	Perpendicular, north and south	2.5 ha (6.2 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	After bridge construction, approximately 80% of impact area could be restored.
W	406.0	Parallel south and Perpendicular	1.3 ha (3.3 ac)	0	0.3 ha (0.8 ac)	0.3 ha (0.8 ac)	0.3 ha (0.8 ac)	0.4 ha (1.0 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	No practicable mitigation measures identified.
X Battle Creek	410.0	Perpendicular, mostly south	2.0 ha (5.0 ac)	0	0.2 ha (0.4 ac)	0.2 ha (0.4 ac)	0.2 ha (0.5 ac)	0.3 ha (0.7 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands. Crossing replaced with longer bridge.	After bridge construction, approximately 80% of impact area could be restored.
Y	412.2	Parallel south	0.9 ha (2.3 ac)	0	0*	0*	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.
Z	412.3	Parallel south	0.8 ha (1.9 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.
Ax Milk River	413.0	Parallel south	1.3 ha (3.3 ac)	0	0*	0*	0.1 ha (0.1 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing. This railroad separation further reduced to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.
Bx	413.3	Parallel south	1.3 ha (3.3 ac)	0	0.2 ha (0.4 ac)	0.2 ha (0.4 ac)	0.2 ha (0.4 ac)	0.2 ha (0.5 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing. This railroad separation further reduced to minimize impacts to wetlands.	Potential practicable mitigation measures to investigate include 1. Steepening side slope and adding guardrail, and 2. Using retaining walls.

Wetland Description				Amount of Wetland Impacted by Alternative (Approximate)					Current Design		Additional Potential Mitigation
Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments	
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)			
Rx Fifteen Mile Creek	413.8	Perpendicular, mostly south	0.9 ha (2.3 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and railroad crossing to minimize impacts to wetlands.	After bridge construction, approximately 80% of impact area could be restored.
Tx Milk River (South side of Milk River is located on Fort Belknap Indian Res.)	427.9	Perpendicular, east and west	0.7 ha (1.8 ac)	0	0.1 ha (0.1 ac)	0.1 ha (0.1 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project is maintained along existing alignment to minimize impacts ¹ .	After bridge construction, only approximately 40% of impact area could be restored, because the bike/ped bridge crosses over the Milk River to the west of US 2 and then the path crosses under the US 2 bridge on the north side of the Milk River which is part of the wetland.

* Wetland impacts less than 0.04 ha (0.1 acre).

¹ Tx Wetland (Milk River) impacts include a bike/ped bridge in addition to the roadway bridge.

Note: Shifting the alignment north to avoid or minimize impacts to southern wetlands was not possible because the BNSF railroad is parallel to US 2 on the north side of the roadway.

F. DESCRIPTION OF DISPOSAL METHOD

The type of disposal methods will depend on the type of construction that may be conducted in a specific location. The following sections provide a description of construction methods that would be used for a "build" alternative selected to widen the existing highway, or build a new highway in the vicinity of surface waters and wetlands.

Roadway Widening: When widening the highway, it will be necessary to place fill material in wetlands located along the highway. The fill material would be placed in the wetlands by large earth-moving equipment such as excavators and bulldozers. The fill material would likely be acquired from nearby source pits or excess material from other areas within the project corridor. The fill would be required to construct the necessary side slopes and adjust the elevation of the roadway.

New Roadway Construction: The construction method for new roadway construction would be similar to the methods used when widening the highway. Where necessary, the area where fill is to be placed would first be cleared of vegetation and topsoil then fill material would be placed and compacted in relatively thin lifts. Disturbance of the area would be more pronounced than for road widening due to the larger areas that would be affected for any given road segment.

SECTION III. FACTUAL DETERMINATIONS (Section 230.11)

Individual and cumulative effects of the discharges for both the short and long-term were evaluated in making determinations where applicable.

A. PHYSICAL SUBSTRATE DETERMINATIONS

- 1) Substrate Elevation and Slope: The elevation and slope of the streambeds would not be adversely impacted by the US 2 build alternatives. The existing channel characteristics will be preserved in most cases. The placement of fill materials along the banks of the streams paralleling the highway may require some minor localized changes to the elevation and slope of the stream channel. Overall stream flow gradients and regimes in these limited areas would not change or create velocity changes sufficient to cause abnormal deposition or scour problems.
- 2) Compare Fill Material and Substrate at Discharge Site: At the stream crossings, the substrate is expected to consist of smooth cobbles with clean gravels and fine sediments along the embankments and in the streambed. The fill used would be select granular backfill with very similar characteristics to those present at the discharge site.

Substrate in wetland areas would consist of fine sediments supplied by feeder streams and precipitation runoff. The fill material placed in the wetlands or stream crossings would either be granular material from nearby sources or excess material from the

project itself. Therefore, the two materials are expected to have similar constituents and be compatible to the native soils.

- 3) Dredged/Fill Material: The fill materials used in the stream crossing would consist of granular materials that are not susceptible to movement by water action. Material movement will not be a problem because water velocity is negligible in the wetland areas.
- 4) Physical Effects on Benthos Invertebrates/Vertebrates:
 - a) Physical Effects on Benthos: Benthic organisms (bottom-dwelling plants and animals) would be impacted along streambanks or in wetland areas where the fill materials would be placed, and downstream from fill placement as a result of turbidity and sedimentation. The benthic organisms could relocate and re-establish themselves in the fill material over time, if the fill is sufficiently similar to the existing material. Therefore, the physical effects on benthos should be short-term and relatively localized to impacts at the site of the fill and immediately downstream.
 - b) Invertebrates: The impacts to aquatic invertebrates will also primarily be short-term. Fill material placed along the stream bank or in wetlands would bury organisms that are present at those locations, but new organisms would be expected to quickly re-establish themselves in these areas if fill is sufficiently similar to the existing material. In addition, construction activities could cause localized increases in suspended sediment on a temporary basis, which would adversely affect aquatic insects that rely upon sight to find food. Increased sediment levels may also clog interstitial spaces in the streambed that invertebrates use for habitat, but the habitat will quickly regenerate when turbidity is abated and "flushing" occurs.
 - c) Vertebrates: Sediment from the erosion areas of disturbed soil is the primary source of adverse impacts to aquatic vertebrates. Aquatic vertebrates primarily include fish in the project area. Sediment in streams affects fish by increasing silt in spawning gravel and rearing habitat. This suffocates the eggs or fry of fish species, affects the aquatic organisms that fish rely on for food, and is abrasive to fish gills. The use of Best Management Practices (BMPs) for erosion and sedimentation control should prevent these adverse impacts or reduce them to short-term and tolerable levels.

Whenever possible, recommended construction would be timed so that it does not coincide with spawning runs when migration movements could be disrupted or blocked.

Toxic materials can also cause problems for fish. Toxins can be introduced to the streams by runoff or through accidental spills or contact with hazardous materials, or through the presence of toxins in fill material. Again, BMPs during construction would minimize these problems.

- 5) Erosion and Accretion Patterns: None of the alternatives would alter erosion or accretion processes that are naturally associated with the streams in the project area. The existing flow pattern of the rivers and streams have not caused undesirable erosion and accretion patterns in the project corridor. No excessive floodplain narrowing by approach fills appear to be present as a result of the original construction of bridges along the corridor. Therefore, scour and erosion is not a problem at any of the bridge locations. One possible exception was observed at the Milk River just east of Lohman where irregularities in the riverbank between the highway and railroad bridges suggest that some recent bank erosion may have occurred. A second exception may be at Clear Creek where there is erosion on the east side of the creek, just north of the railroad bridge. When realigning the highway, design measures will ensure that crossing widths are maintained so that channel constriction and subsequent erosion problems do not occur.
- 6) Actions Taken to Minimize Impacts: The following measures can be incorporated into the proposed action to minimize the impacts to streams and wetlands:
- a) Where practicable, the alignment was shifted away from wetland areas to avoid or minimize impacts. Impacts to wetlands could not be completely avoided in order to meet a desirable minimum safe distance of 46 m (150 ft) from railroads at intersecting roadways. However, wetland impacts are considered minimized because the project used the minimum safe distance between highway and the adjacent railroad, and the minimum safe width for each typical section alternative.
 - b) Steepen sideslopes or construct retaining wall with guardrail where practicable.
 - c) Increase bridge span lengths, where practicable.
 - d) Place the fill in the smallest area possible.
 - e) Use fill materials that are similar to the substrate whenever possible.
 - f) Schedule the timing and duration of the construction activities to coincide with the lowest flows possible.
 - g) Restore areas temporarily impacted from construction.
 - h) Incorporate a Stormwater Pollution Prevention Plan (SWPPP) and BMPs into construction projects. The contractor will be required to follow the SWPPP and recommended BMPs. The selection of the BMPs would be done during the final design activities and at the discretion of the highway designer.

B. WATER CIRCULATION, FLUCTUATION AND SALINITY DETERMINATIONS

- 1) Water: The following sections discuss the proposed action's impact on various components of water quality in the project area.

- a) Salinity: No site-specific tests for salinity have been performed. Increases in salinity can result from the introduction of an impoundment or by altering the existing hydrologic regime of wetlands. Other causes of increased salinity can be the use of fill materials significantly different from native soils. While the proposed project would decrease wetland area, hydrologic regimes will not be affected and no new impoundments would be created. In addition, fill materials used for the project would resemble native soils.
- b) Water Chemistry: No site-specific tests for water chemistry have been performed. However, there is no reason to suspect that the proposed action would significantly alter the alkalinity, hardness, pH level, or mineral concentration in the surface waters.
- c) Suspended Sediments: Construction activities would cause temporary, localized, minor increases in suspended sediments during construction activities especially near streams where fines in the new fill material are transported from the disposal sites by water currents. Stable, granular fill material would be used to minimize these impacts.
- d) Clarity: There may be temporary, localized increases in turbidity during the placement of fill materials along stream embankments. These increases in turbidity would be minor, compared to the naturally occurring processes during spring run-off conditions or after heavy rainstorms.
- e) Color: The placement of fill material in wetlands and streams could disrupt the substrate and increase the suspended sediments and turbidity in the water. This may cause temporary, local changes in the color of water near construction activities, especially immediately following the fill placement. This change in color would be similar to the change in color that results from natural processes during the spring runoff when high concentration of sediments from surrounding drainages give the river a milky color. This impact would be insignificant and short-term.
- f) Odor: The project would not significantly influence the odors in the streams and wetlands.
- g) Taste: The project would not significantly alter the taste of the surface water or the groundwater in the project area precluding any unforeseen spills or abnormal conditions.
- h) Dissolved Gas Levels: Because improvements are not expected to significantly increase the turbulence of flows, cause stagnation in the streams and wetlands, or cause other changes to hydrologic regimes, it is unlikely that the existing dissolved gas levels will be altered in any way.
- i) Nutrients: Nutrient loads such as phosphorus and nitrogen predominantly come from non-point agricultural sources, point discharges such as wastewater treatment plants, and other naturally occurring high organic loads such as decaying algae.

Impacts to these conditions are not expected to occur from the proposed action. Since wetland hydrology and surface waters within the project corridor will be maintained, no impact from nutrient loading should result.

Nitrate residual could occur on rock blasted for removal during construction. If such material is placed in watercourses, it could provide a temporary low level source of nitrogen. Presently there are no known areas along the project corridor where blasting of rock will be necessary. If shotrock is used for rip-rap, nitrate residuals would be quickly flushed and diluted to insignificant levels.

- j) Eutrophication: The proposed action is not expected to contribute significant quantities of sediments or nutrients to the Milk River drainage. The waters to be impacted by the project are primarily streams and wetlands, not lakes. Streams are generally well-mixed and plant growth induced by excessive nutrients is generally not a problem. Wetlands are, by their nature, already subject to eutrophication. Since there will be no significant increase in nutrients and the hydraulic regimes will be preserved, there should be no impacts from increased eutrophication.

2) Current Patterns and Circulation:

- a) Current Patterns, Drainage Patterns, Normal and Low Flows: All of the existing cross-highway drainage will be maintained. In areas where new fills are to be placed, a foundation blanket of granular material could be constructed for the fills that would allow passage of surface water through areas not already served by culverts and bridges. Seasonal variations in stream flow and groundwater movement naturally affect flow volumes and hydraulic patterns. However, none of the proposed improvements are expected to change or alter these patterns and the total flow of water in the Milk River drainage should not be modified.
 - b) Velocity: The intent of the new bridge designs will be to maintain the existing velocities in the streams. The culverts will be designed to keep velocities low enough to minimize erosion at the outfalls.
 - c) Stratification: Proposed improvements are not expected to alter the existing stratification of waters in any of the streams or wetlands.
 - d) Hydrologic Regime: Improvements would not be expected to affect the existing hydrologic regime of the Milk River or its tributaries.
 - e) Aquifer Recharge: The quality or extent of aquifer recharge would not be adversely affected by the proposed action.
- 3) Normal Water Level Fluctuations: Wherever possible, the bridges and culverts would be designed to accommodate 50-year and 100-year flows without significantly altering the stream elevation or causing backwater problems.
- 4) Salinity Gradients: Because there are no known locations of salinity within the project area, salinity gradients will not be altered.

- 5) Impact Minimization Measures: The following measures will be taken to minimize impacts:
- a) Bridges and culverts will be sized to maintain the existing stream water levels and velocities as much as possible.
 - b) Culverts and hydraulic structures will be designed to maintain the existing cross-highway drainage and to allow for fish passage. Additional culverts may be installed to preserve or restore flow between connected or bisected wetlands.
 - c) The fill material will be placed to maintain the existing hydraulic properties of the streams and wetlands whenever possible.
 - d) Granular material will be used as a foundation for new embankments to maintain flow through them.

C. SUSPENDED PARTICULATE/TURBIDITY DETERMINATIONS

- 1) Expected Changes in Suspended Particulates and Turbidity Levels in the Vicinity of the Disposal Site: Fill placement at stream channel crossings may introduce some fine materials to the surface waters, which would cause temporary increases in the level of suspended particulates during construction. The placement of fill may also cause unnatural turbulence, which could suspend bottom sediments. This may result in temporary increases of turbidity levels near stream or wetland encroachments.

Stormwater runoff from recently graded areas near streams and wetlands can also transport sediments to the surface waters. This would result in an increase in suspended particulates and turbidity levels. However, a SWPPP would be implemented to minimize erosion.

- 2) Effects on Chemical and Physical Properties of the Water Column:
- a) Light Penetration: Increased levels of suspended particulates and turbidity in the surface waters near the construction site can decrease the amount of light penetration. These impacts would be short-term and would occur only temporarily during the construction activities.
 - b) Dissolved Oxygen: The suspended particulates introduced to the surface waters by the placement of soil will be primarily inorganic. Therefore, no increases in biochemical oxygen demand (BOD) should occur. In addition, the proposed action should not cause increased turbulence or stagnation of the surface waters that would affect the dissolved oxygen levels.
 - c) Toxic Metals and Organics: The fill material used for construction would be obtained locally and have similar characteristics to the soils at existing stream crossings. Water quality data for surface-waters in the Milk River Valley indicates that toxic metals and organics are not excessive or problematic. No fill material

would be taken from hazardous material sites identified in the Hazardous Materials section of the EIS or other known hazardous materials sites in the region.

- d) Pathogens: No known major sources of viruses or pathogenetic organisms occur in the project area, although livestock and wildlife waste is evident in several places throughout the corridor. The use of clean, inorganic fill material would ensure that construction activities would not introduce pathogens.
- e) Aesthetics: The project would affect the aesthetics of surface water similar to the spring runoff conditions, but at a much smaller scale. The effects would be temporary, localized, and occur near or just downstream of the actual construction activities. Impacts are limited to the increased suspended particulate levels of the surface waters near locations of fill placement, which would rapidly disperse as distance from the source increases.

3) Effects on Biota:

- a) Primary Production, Photosynthesis: The project should not substantially reduce photosynthesis and primary productivity in surface waters. Changes in suspended particulates and turbidity levels would be localized and temporary. Therefore, these conditions should not be significant enough to effect the level of photosynthesis in the surface waters.
 - b) Suspension/Filter Feeders: Collectors and filter feeders include net spinning caddis larvae and burrowing mayfly nymphs, which capture and use organic particles suspended in the water current. Due to the increased levels of suspended particulates and turbidity near construction activities, these organisms would be temporarily impacted. Excessive sediment can bury these organisms, abrade their gills, and damage their habitat. However, the impacts would be very localized and short-term. The organisms would be expected to naturally repopulate the disturbed area quickly after the construction activities have been completed.
 - c) Sight Feeders: Sight feeders, such as stonefly nymphs, rely on clear water to find their food. Therefore, localized increases in suspended particulates and turbidity caused by the placement of fill materials would cause short-term impacts to sight feeders. Similar to filter feeders, excessive sediment can bury these organisms, abrade their gills, and damage their habitat. Suspended particulates and turbidity should rapidly diminish after the placement of fill materials, thereby allowing quick recovery for sight feeders.
- 4) Actions Taken to Minimize Impacts: Establishing and implementing an effective SWPPP is the primary approach to minimizing impacts that could result from suspended particulates and turbidity in the surface waters. For this purpose, the SWPPP will be implemented during preparation and construction of the proposed project and will be used to acquire a Montana Pollutant Discharge Elimination System (MPDES) permit.

The SWPPP will be designed to prevent or reduce erosion and release of sediment from construction areas. Temporary, site-specific erosion control structures or practices will be selected based on BMPs for highway construction projects. BMPs may include slope roughening, temporary seeding, mulching, erosion control blankets, straw bales, gravel filter berms, ditches, silt fences, and settling basins. Goals of the SWPPP include the following:

- Avoid or minimize the extent of exposed soils,
- Stabilize and protect disturbed areas as soon as possible in order to keep runoff velocities low,
- Prevent surface water runoff from reaching disturbed areas,
- Retain sediment within the corridor, and
- Implement a thorough maintenance and follow-up program.

D. CONTAMINANT DETERMINATIONS

1) Evaluation of the Biological Availability of Pollutants in Dredge or Fill Material:

- a) Physical Characteristics: The physical characteristics of fill or dredge materials would be obtained from local sources and have particle sizes and constituents similar to those occurring in the project area. Fill material would be clean and free of hazardous and toxic pollutants, pathogens, and organics.
- b) Hydrography in Relation to Known or Anticipated Sources of Contamination: The project corridor crosses many small streams, drainages, and the Milk River. Contaminants from highway runoff or accidental hazardous material spills could potentially be introduced to surface waters. During construction, stormwater runoff would be controlled by an erosion control plan. By widening the highway and improving the crossings, the potential for accidents at these crossings would be reduced.
- c) Results from Previous Testing of Material or Similar Material in the Vicinity of Project: A detailed hazardous materials assessment performed for the project revealed that the right-of-way and immediate area do not include national Superfund sites, licensed landfill, mine reclamation sites, recorded hazardous spill sites or point source discharge locations. Areas with some potential to have soil and groundwater contamination or solid waste associated with land use activities were identified. Recommendations were to conduct further analyses and/or special removal or handling should excavation be required at these locations. Although areas of concern were identified throughout the project corridor, no documented evidence of significant existing contamination was observed. The assessment included a physical site investigation and review of public and agency records and maps. All sources of fill material used throughout the project will avoid areas of potential contamination and will have the required environmental clearances.

- d) Known Significant Sources of Persistent Pesticides from Land Runoff or Percolation: Although there is a fair amount of agricultural activity in the project corridor, no known significant point or non-point sources of pesticides are present.
- e) Spill Records for Petroleum Products or Designated Hazardous Substances: There is potential soil and groundwater contamination associated with leaking underground storage tanks, underground storage tanks and above ground storage tanks. Should excavation be required at these locations, soil testing and/or tank removal will occur to ensure that no impact to surface waters or wetlands occur.

The abandoned Diamond Asphalt refinery site east of Chinook is listed as a medium-priority site according to the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA). The site contains extensive tar-contaminated soil and tar/sludge pits that have been documented as seeping into groundwater.

- f) Other Public Records of Significant Introduction of Contaminants from Industries, Municipalities, or Other Sources: To complete the hazardous material assessment, public records were closely examined in order to find any evidence of contaminants from these sources. The abandoned Diamond Asphalt refinery site contains tar/sludge pits and tar-contaminated soil within the proposed right-of-way for build alternatives. No additional documented evidence of significant contamination within the right-of-way was observed in the public records.
 - g) Known Existence of Substantial Material Deposit of Substances that could be Released in Harmful Quantities to the Aquatic Environment by Man-Induced Discharged Activities: As shown by the hazardous materials survey, substantial material deposits of substances, that could be released in harmful quantities to surface waters by construction activities, are not known to exist in the project area.
 - h) Other Sources of Contaminants: Other sources of pollutants that may be present in dredged or fill materials include road salts, de-icing chemicals, and dust suppressants. FHWA research has concluded that these sources have minimal impacts to receiving surface waters providing standard, acceptable construction practices are followed. Vegetation and soils play an active role in filtering, diluting, and neutralizing the pollutant levels from these sources.
- 2) Contaminant Determination: The material provided in the hazardous material evaluation was examined and it was concluded that there is no reason to expect that any proposed fill material would be a carrier of contaminants. Fill material will not be taken from areas identified as having any potential for soil or groundwater contamination. The fill material will be obtained from sources that obtain the required environmental clearances to assure that no fill material with pollutants is used on the project.

E. AQUATIC ECOSYSTEM AND ORGANISM DETERMINATIONS

- 1) Effects on Plankton: Plankton will be primarily affected by changes in suspended sediments, turbidity, and pollutant levels resulting from the construction activities. As previously discussed, these effects will only be short-term and localized.
- 2) Effects on Benthos: The project effects on benthos were discussed in Section III.A.4. of this evaluation.
- 3) Effects on Nekton: Nektons (aquatic organisms such as fish that are able to move independently of water current) were discussed previously in Section III.A as part of the evaluation on the physical effects on benthos invertebrates/vertebrates.
- 4) Effect on Aquatic Food Web: Because the proposed improvements will not significantly impact aquatic organisms, the overall, long-term cumulative effect on the aquatic food web is expected to be insignificant.
- 5) Effects on Special Aquatic Sites:
 - a) Sanctuaries and Refuges: State, federal, or local agencies have not designated any wildlife or waterfowl sanctuaries or refuges within the project area. Therefore, none would be impacted by the project.
 - b) Wetlands: A total of 28 jurisdictional wetland areas were delineated in the project corridor. Twenty-two of these wetlands have the potential to be impacted as a result of the proposed project. The majority of the wetlands are either associated with the riparian area of the Milk River or the riparian areas of creeks that are tributaries to the Milk River. The existing highway and railroad currently bisect many of these wetlands. Although a preferred alternative has not been selected, the Four-Lane Divided Alternative would incur the greatest amount of impacts to jurisdictional wetlands at 3.9 ha (9.7 ac).

Construction of improvements to US 2 would require the placement of fill in wetlands, thereby decreasing their area. However, project design elements will avoid the introduction of wetland impoundment or other changes to wetland hydrology. Impacts to wetlands will be offset through compensatory mitigation as discussed in Section III.E.9.
 - c) Mud Flats: There are no mud flats in the project area, and the project would not create any new mud flats. Therefore, the project will not affect mud flats.
 - d) Vegetated Shallows: These include areas that are permanently inundated and support rooted aquatic vegetation such as cattails (*Typha* spp.) and sedges (*Carex* spp.). Approximately 12.7 ha (31.4 ac) of wetlands in the project corridor were identified as vegetated shallows. Of this area, approximately 1.7 ha (4.3 ac) would be impacted by the action alternative with the greatest amount of impacts.

- e) Riffle and Pool Complexes: Most of the crossings associated with the highway are in reaches of streams where the gradient is beginning to flatten out as it approaches the Valley floor and the main stem of the Milk River. Some streams may have sufficient gradient, meanders, cobbles and boulders to create riffle and pool complexes. However, bridges and other hydraulic structures will be engineered to maintain existing hydraulic characteristics so that adverse impacts on these complexes are not anticipated.
- 6) Effects on Threatened and Endangered Species and their Habitat: Correspondence from USFWS (2002) indicates that the following species have the potential to occur in the project area: bald eagle (threatened), black-footed ferret (endangered), and black-tailed prairie dog (candidate). The mountain plover was proposed to be listed as a USFWS threatened species and is included on the USFWS (2002) correspondence letter. However, through a process of final review and comment, the USFWS withdrew the proposal to list mountain plover based on more current information of the species (Jackson, 2003 personal communication and USFWS, 2003). Therefore, the species is not discussed further in this report. No fish species occur in the project area that are listed as threatened, endangered or candidate species under the Endangered Species Act (ESA).

A detailed Biological Assessment of the project's impact on threatened and endangered species was included in the BRR and was reviewed by the USFWS. This assessment indicates that the project may affect, but is not likely to adversely affect bald eagles or their critical habitat. The assessment further concludes that the proposed project would have no effect on black-footed ferrets or black-tailed prairie dogs. In a letter dated April 6, 2004, the USFWS concurred with these effect determinations.

- 7) Effects on Other Species of Special Interest or Concern and their Habitat: Montana State terrestrial species of special concern in the project area include the swift fox, northern leopard frog and sage grouse.

No swift fox or dens were observed during the site visits. The habitat range of the nearest documented swift fox does not extend into the project area. Furthermore, the proposed project area and corridor consists of primarily farmland with small, fragmented pockets of native rangeland that is unlikely to be occupied by swift fox. Therefore, the proposed project would have no effect on swift fox.

No leopard frogs have been documented in the project area and none were found during field visits. Potential habitat for the species may exist in the project area in or near water in non-forest habitats and in wet sedge-meadows or cattail marshes and in excavated stock ponds. Portions of these wetlands would be impacted during construction, as discussed in II.E of this report. Therefore, the proposed project may affect northern leopard frog individuals (should they be present) or their habitat, but is not likely to contribute to a trend toward Federal listing or loss of viability of the species.

The project area does not contain the significant amounts of sagebrush habitat necessary to maintain a sage grouse population. No sage grouse were observed during the field visit and it is unlikely that the species would be found in the project area (Hagener, 2003 personal communication). Therefore, the proposed project would have no effect on sage grouse.

- 8) Actions Taken to Avoid and Minimize Impacts: According to the CWA, Section 404 Guidelines, and the State of Montana's Interagency Memorandum of Understanding (1992), permit issuance will only be allowed for the least environmentally damaging, practicable alternatives. No discharge of materials into wetlands or waters of the United States can be permitted if there is a practical alternative to the proposed discharge, which would have less adverse effects to the aquatic ecosystem and as long as the alternative did not have other significant adverse environmental consequences. MDT is directed by MCA 60-2-133 to construct a four-lane highway; therefore, MDT prefers a four-lane alternative (either the Four-Lane Undivided or the Four-Lane Divided). In rural areas, FHWA prefers the Improved Two-Lane with Passing Lanes Alternative. FHWA has no preference for lane configuration within the town of Chinook.

The conceptual design of all alternatives avoided or minimized impacts wherever possible by shifting the alignment, altering grades, and using the minimum safe offset between the highway and railroad crossings and the minimum safe right-of-way width for each alternative.

Additional efforts to minimize impacts to wetlands are as follows:

- a) Whenever practicable, steeper sideslopes and smaller fill volumes will be used for construction in wetlands and at stream crossings.
- b) Fill material will be used that is similar to the existing substrate in particle size and constituents. Only fill material from sources with the appropriate environmental clearances will be used.
- c) A SWPPP will be used and BMPs will be identified for control of erosion and sediment transport both in areas impacted and in nearby areas avoided.
- d) All disturbed areas will be restored to an acceptable condition. This will include mulching, reseeding, and the use of other erosion control or BMPs.
- e) Lengthening of bridges, steepening sideslopes with guardrails, or building retaining walls may be considered in riparian crossing areas to minimize fill in these areas.
- f) Any water pumped from inside cofferdams will be routed to a settling pond before it is reintroduced to the surface waters.
- g) Any unavoidable construction related to disturbances will be timed, whenever possible, to occur during periods that will create the least damaging impacts.

Other measures will be taken to minimize environmental impacts of the proposed project. These measures are further discussed in the EIS.

- 9) Compensatory Actions Taken to Mitigate Impacts: Although all reasonable avoidance and minimization measures will be taken to limit impacts to wetlands and surface waters, some impacts will occur and compensatory mitigation will be required. It is the current policy of the EPA and the COE to provide compensatory mitigation in areas adjacent or within the project area whenever possible. After these efforts are exhausted, then off-site compensatory mitigation should be pursued.

The goal of compensatory mitigation is to replace functions and values of wetlands that may be impacted by the proposed action. MDT is developing the approach to compensatory mitigation for this project. The approach follows a sequence of events that include identifying mitigation opportunities on-site, then off-site opportunities, and as a last resort consider "banking" if additional replacement is still required.

MDT has so far been unable to identify suitable on-site mitigation areas. One off-site wetland mitigation area is already identified for the project and is referred to as "Musgrove Lake." Another site, referred to as the "Reed Property," is being investigated for wetland creation opportunities for impacts that may occur in the Milk River area. These two opportunities are expected to provide sufficient area and suitable conditions to compensate for impacts associated with the proposed project.

In addition, MFWP indicated that the private property at Clear Creek, north of the BNSF Railway, also provides mitigation opportunities. Opportunities exist for reducing channel incision at this site because the creek is severely channeled and the existing concrete rubble dam beneath the railroad trestle is degraded on the property east of the creek. Removing the dam here would open up Clear Creek for native fisheries. However, MDT doesn't own this property and the dam is on the railroad right-of-way, so using the site for mitigation may not be practicable.

- 10) Mitigation Monitoring: To ensure compliance with wetlands policy and increase the chance for successful mitigation efforts, inspections will be made by the Project Manager, MDT's Wetland Biologist, and other interested agency representatives during planning and implementation of the mitigation activities. These inspections are likely to occur as follows:

- a) Pre-construction meeting with the contractor responsible for implementing mitigation plans.
- b) Prior to the final grading for the wetlands.
- c) During the installation of plant material.
- d) The first full summer after the completion of the wetlands construction to determine the preliminary success of the project.
- e) During the next three to four growing seasons (interim inspections).
- f) In the fourth or fifth season after establishment of the wetland area to obtain enough data and observation to determine whether or not the mitigation has been successful (final inspection). If not, plans can be formulated for correction or a

decision made to abandon the site and try elsewhere if solutions to assure success at the site are not apparent.

- g) On a periodic basis to assure no adverse changes in groundwater hydrology (long-term monitoring).

Implementation of the proposed mitigation may also be reviewed during construction by various agencies including MDT, the COE, the Montana Department of Environmental Quality (DEQ), and Montana Fish Wildlife and Parks (MFWP).

F. PROPOSED DISPOSAL SITE DETERMINATION

1) Mixing Zone Determination:

- a) Depth of Water at the Disposal Site: The depths of water at the disposal sites for this project vary considerably between seasons and individual sites. The depth of the non-riparian wetlands are relatively shallow (0 to 0.6 m (0 to 2 ft) deep). The depth of water at the minor stream and drainage crossings is generally 0.3 to 1.2 m (1 to 4 ft) deep.
- b) Current Velocity, Direction, and Variability at Disposal Site: The current and circulation patterns associated with the disposal sites are discussed in Section III.B.2 of this evaluation.
- c) Degree of Turbulence: Minor, localized, and temporary turbulent conditions could possibly result from the discharge of the fill materials into surface waters or by the temporary construction of cofferdams or work platforms for bridge piers or abutments.
- d) Water Column Stratification: The majority of the surface waters that would be affected by the proposed action are comprised of flowing, well-mixed streams and rivers. Therefore, the project's impact to stratification patterns would be insignificant.
- e) Discharge Vessel and Speed: This consideration does not apply to this project.
- f) Rate of Discharge: This information is provided in Section II.E.5 of this evaluation.
- g) Ambient Concentration of Constituents of Interest: Two water bodies in the project area are listed in the DEQ Section 303(d) 2002 Report. This includes the Milk River from Fresno Dam to Whitewater Creek with a probable cause of mercury and metals. In addition, Battle Creek to the mouth of the Milk River is listed with probable causes including algal growth/chlorophyll, nutrients, other habitat alterations, riparian degradation, and siltation. The DEQ Section 303(d) 1996 Report lists the two water bodies above as well as Little Box Elder Creek to the mouth of the Milk River and Lodge Creek to the mouth of the Milk River. However, the 2002 Report indicates that the latter two water bodies require

reassessment and should be remain as 303(d) listings until the reassessment is completed. Probable causes for Little Box Elder Creek include nutrients, siltation, and thermal modifications while probable causes for Lodge Creek include noxious aquatic plants, nutrients, organic enrichment/DO, other inorganics, and salinity/TDS/chlorides. Agriculture is the primary source of contamination to water bodies in the vicinity. The project is not expected to have an affect on the concentration of constituents of interest from the placement of fill material.

- h) Dredged or Fill Material Characteristics: The characteristics of the proposed fill materials are discussed in Section III.D.1 of this evaluation.
 - i) Number of Discharges per Unit of Time: This information is provided in Section II.E.5 of this evaluation.
 - j) Other Factors Affecting Rates and Patterns of Mixing: No other unusual factors or consequences are expected to modify mixing at any disposal sites.
- 2) Evaluation of the Appropriate Factors in F(1) above: An evaluation of the appropriate factors indicates that the disposal sites and sizes of mixing zones are acceptable.
- 3) Actions to Minimize Adverse Discharge Effects: All appropriate and practicable measures will be taken through application of recommendations provided in Section 230.702 through 230.77 to ensure minimal adverse effects of the proposed discharges. These measures are listed elsewhere in this evaluation and in the EIS.
- 4) Potential Effects on Human Use Characteristics:
- a) Municipal, Private, and Potential Water Supply: The only anticipated notable effects of the project on water quality in the Milk River Valley is the temporary and localized increase in the level of suspended sediments and turbidity in the surface waters. However, these increases are expected to be much less than those that naturally occur during spring runoff conditions or major rainfall events. Neither the quantity, nor quality, of municipal and private water supplies would be affected by the proposed action since the source of each water supply is groundwater. These water supplies include:
 - A Public Water Supply located just west of the project start point in the City of Havre within 30 m (100 ft) of US 2 and Seventh Avenue south of RP 382.8.
 - Private residential in T32 N, R17 E, S1, PWS source is located within 60 m (200 ft) south of US 2 at RP 392.3.
 - Private residential at RP 395.2 in T33 N, R18 E, S30, PWS source is located within 60 m (200 ft) south of US 2.
 - b) Recreational and Commercial Fisheries: The project waters do not support harvestable fish, crustaceans, shellfish, or other aquatic organisms that support commercial fisheries. However, there is some opportunity for recreational sport fishing. Construction activities will be scheduled to avoid sensitive periods when

fish populations could be damaged whenever possible. In addition, the project may include the enhancement of informal fishing access points at the Milk River and tributaries. The project could temporarily and locally disrupt fish habitat, thus causing some short-term displacement of fish. This type of impact is expected to be insignificant and will not have a long-term impact or a cumulative impact on any fisheries. The EIS and the BRR discuss these impacts in more detail.

- c) Water-Related Recreation: Recreational fishing was discussed in the previous section. Occasional canoeing and tubing takes place on the Milk River during the summer. During bridge construction, some access to these activities may be temporarily disrupted due to necessary detours.

G. DETERMINATION OF CUMULATIVE EFFECTS ON THE AQUATIC ECOSYSTEM

Past losses of wetland and aquatic resources in the region have resulted primarily from converting wetlands to agricultural and residential/commercial development. Highway improvement projects have also contributed to a lesser extent to these losses up to the time that regulations protecting wetlands were adopted and became law.

Although the project area is not subject to a high degree of development pressure, any future private development in the project area is anticipated to result in impacts to the aquatic system. However, those future actions that are subject to wetland regulations will likely include measures to minimize impacts. Therefore, cumulative effects from private development will not likely result in significant alteration to the aquatic ecosystem.

All federally funded future actions are subject to the requirements of Section 404 of the *Clean Water Act* and will be developed in such a way as to avoid, minimize, or effectively mitigate impacts to wetlands and waters of the United States. This includes federally funded highway projects. The current projects for US 2 in the Statewide Transportation Improvement Program are generally reconstruction of two-lane highways to add shoulders, bridge replacements and resurfacing projects. Surface runoff from these projects will be similar to what is experienced currently. If the improvement of US 2 from a two-lane to a four-lane highway occurs across the state as proposed in MCA 60-2-133, the indirect impacts such as the potential for water quality degradation from increased surface runoff may become a greater problem unless more stringent regulations are adopted for regulating such runoff.

Land development pressure is not anticipated to occur from this project. Therefore, no induced changes in land use are likely to result in substantial impacts to the surface runoff.

H. DETERMINATION OF SECONDARY EFFECTS ON THE AQUATIC ECOSYSTEM

The secondary effects to aquatic ecosystems are associated with a discharge of dredged or fill materials but do not result from the actual placement of the dredged or fill material. Surface runoff poses the most significant secondary effect associated with this project. For this

reason, a SWPPP will be established to prevent surface runoff from transporting materials that could degrade these ecosystems.

Another secondary effect is the possibility of accidental hazardous material spills during construction and the subsequent use of the highway. However, any improvements to the existing highway that would improve safety would decrease the chance of these accidental spills resulting from the use of the highway by vehicles transporting hazardous materials. Other secondary or indirect effects of the project are discussed in more detail in the EIS.

By increasing the amount of roadway requiring maintenance, more sand and de-icing materials would be required to cover the larger surface area. Therefore, sediment traps with a scheduled maintenance program to clean the traps periodically may be installed. A well-established vegetative cover on the sideslopes would improve soil stabilization to help prevent sedimentation from entering the stream/wetland systems.

SECTION IV. FINDINGS OF COMPLIANCE

A. ADAPTION OF THE SECTION 404(B)(1) GUIDELINES TO THIS EVALUATION

This evaluation is based on a conceptual design of the project alternatives and identifies and quantifies the environmental impacts associated with the proposed action insofar as present design data allows. Before the project can be advanced to the design stage, the preferred alternative must be chosen and approved, and a formal design for it must be developed and approved.

Note: some project specific information required for the Section 404(b)(1) evaluation may not be accurately depicted until final design plans are available.

B. EVALUATION OF AVAILABILITY OF PRACTICABLE ALTERNATIVES TO THE PROPOSED DISCHARGE SITE WHICH WOULD HAVE LESS ADVERSE IMPACT ON THE AQUATIC ECOSYSTEM

Section 230.01(a) of the Guidelines states "except as provided under 404(d)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."

Two alignments were initially studied for highway improvement alternatives. One alignment maintained a standard offset from the railroad throughout the entirety of the project corridor. This alignment improved safety and traffic operations at all railroad crossings by increasing the distance between the railroad and travel lanes. The second alignment maintained a desirable minimum offset from the railroad only at prioritized railroad crossings, moving back to the existing alignment in other locations. Railroad crossings were prioritized according to safety and operational conditions.

Based on the locations of prioritized railroad crossings and cultural, economic, and environmental resources, it was found that this second alignment was most desirable, therefore, it was carried forward for detailed evaluation. The centerline of the alignment falls to the south of the existing highway centerline in most cases, thereby improving the safety and operations at railroad crossings. Each of the alternatives follows the same general alignment through the project corridor. A discussion of the alternatives evaluated with respect to this requirement follows.

The Four-Lane Divided Alternative would have the greatest impacts to jurisdictional wetlands, non-jurisdictional wetland areas and to non-jurisdictional ditches. Table 3 summarizes the total impacts to wetlands, ditches and canals by project alternative. Of the build alternatives, the Improved Two-Lane Alternative would result in the least amount of wetland impacts and the Four-Lane Divided Alternative would result in the greatest amount of impact.

Under the No-Build Alternative, there would be no changes to vehicular, pedestrian or bicycle safety conditions. Emergency services would continue to experience difficulty traveling the corridor and responding to accidents on the highway due to narrow shoulders and steep side slopes in the clear zone. Farmers' concerns about safety when moving wide agricultural equipment would continue for the same reasons. Furthermore, a reduction in vehicular accident rates along the corridor cannot be achieved.

The Improved Two-Lane Alternative and the Improved Two-Lane with Passing Lanes Alternative would improve operations and safety for emergency and law enforcement services, agricultural equipment, and school buses traveling on US 2, due to wider shoulders and an improved clear zone. Furthermore, vehicles would be able to safely pull to the side of the road for passing emergency vehicles, law enforcement would be able to pull traffic safely to the side of the road, and wide agricultural equipment would be able to travel in or partially within the shoulder. The increased sight distance and recovery area would help drivers avoid crossing wildlife and may decrease animal-related accidents. Safety at railroad crossings and high-volume intersections would also be improved through the provision of turn lanes at these intersections. If the Improved Two-Lane with Passing Lanes Alternative is selected, future access to the highway requiring left turns from the passing lane would be restricted unless turn lanes are provided. These alternatives would meet the purpose and needs of the project.

The Four-Lane Undivided and Four-Lane Divided alternatives include the same safety improvements from wider shoulders, improved clear zone, increased railroad offsets, and intersection turn lanes as the Improved Two-Lane alternatives. However, the additional lane in each direction may diminish the number of accidents caused by improper passing because vehicles would not have to enter oncoming traffic lanes in order to pass along the entire length of the corridor.

The Four-Lane Divided Alternative would provide additional safety benefits over the Four-Lane Undivided Alternative because the presence of a grass median would reduce the potential for head-on collisions. Also, the access management inherent with the physical constraint of the center median may decrease driveway-related accidents and the median area would provide a physical separation from opposing traffic, thereby reducing headlight glare and providing a space for speed changes and storage for left-turning vehicles.

MDT's preferred alternative is a four-lane facility as required by MCA 60-2-133. In rural areas, FHWA prefers the Improved Two-Lane with Passing Lanes Alternative. FHWA has no preference for lane configuration within the town of Chinook.

C. COMPLIANCE WITH APPLICABLE STATE WATER QUALITY STANDARDS

Provided that the following permits were issued, the project would be in compliance with the State Water Quality Standards:

- 1) A Montana Stream Protection Act Permit (124 SPA permit) must be issued by the MFWP. The purpose of the permit is to protect and preserve fish and wildlife resources in their natural existing state. MFWP will examine application information

including projected impacts and determine if the proposed action can be approved. Issuance of the permit constitutes compliance.

- 2) A short-term exemption from Montana's Surface or Water Quality Standards (3a authorization) will be required. The Montana DEQ will issue this permit. The purpose of the law is to protect water quality, minimize sedimentation, and provide short-term exemptions from water quality standards to certain activities carried out in accordance with conditions prescribed by Montana DEQ. Approval of the application (outlines impacts) and issuance of the permit constitutes compliance.
- 3) The Montana Floodplain and Floodway Management Act will require Floodplain Development permits issued by the Floodplain Administrators for Blaine County and Hill County. The purpose of this law is to restrict floodplain and floodway areas to uses that will not be seriously damaged or present a hazard to life if flooded, thereby limiting the expenditure of public tax dollars for emergency operations and disaster relief. Application for the permit provides specific engineering information to evaluate impacts and approval of the application and issuance of the permit constitutes compliance.
- 4) The project will require a Section 402 Montana Pollutant Discharge and Elimination System permit from the Montana DEQ. The purpose of this law is to minimize soil erosion and sedimentation, thereby maintaining water quality and protecting aquatic resources. Specific plans for stormwater pollution prevention are developed and submitted for review by Montana DEQ, demonstrating how and where BMPs will be used to minimize adverse impacts to aquatic resources. Approval of the plan and establishment of such additional conditions as may be necessary through issuance of the permit constitute compliance.
- 5) Section 401 of the Clean Water Act requires the Montana DEQ certify that any discharges into State waters comply with water quality standards before Federal permits or licenses are granted. The purpose of this law is to restore and maintain the chemical, physical, and biological integrity of Montana's surface waters. Montana DEQ will review plans for construction of a given project as well as reviewing the status of other permits requested from and issued by other agencies before approving the proposal. Issuance of the permit constitutes compliance.

In all cases, review of proposed plans and possible impacts associated with implementation of the proposed action may require agencies to request modification of the design, implement mitigation measures, or meet other specified requirements before compliance is achieved through permit issuance. Strict adherence to the permits and their associated provisions and conditions constitute compliance during construction and after for the life of the improvement. Unapproved deviations or non-adherence to these conditions would constitute non-compliance with the law, requiring the owner to take corrective action or face associated penalties or civil action.

As long as acceptable construction practices and design procedures are followed, the acquisition of these permits should be fairly routine. BMPs will be identified using a

SWPPP to ensure compliance with the State of Montana's Pollutant Discharge Elimination System regulations.

The EIS further discusses the project relative to the State of Montana's Water Quality standards. Contractors will be required to strictly adhere to the provision of all permits and regulations.

The project is in compliance with the following federal water quality standards:

- a) Clean Water Act, as Amended (Federal Water Pollution Control Act), 33 USC 1251 et seq:
The project is in compliance. Although Section 404 permit processing has not been completed, FHWA has been in contact with the COE and the EPA and early coordination is allowing proper planning to meet all requirements.
 - b) Fish and Wildlife Coordination Act, as Amended, 16 USC 661, et seq: The project is in compliance. The MFWP and the USFWS were contacted and their comments will be incorporated into the EIS.
 - c) Floodplain Management (Executive Order 11988): The project is in compliance. The project will be designed to not have significant effects on floodplains.
 - d) Protection of Wetlands (Executive Order 11990): The project is in compliance. The project will involve work below the highwater line but appropriate measures to first avoid, then minimize, then compensatory mitigate impacts have been established. An Only Practicable Alternative Finding will be issued in the Final EIS once it is developed.
- 6) The following federal water quality standards are not considered to be applicable to this project:
- a) Coastal Zone Management Act, as Amended, 16 USC 1531, et seq:
This Act is not applicable because the project area does not involve a coastal zone.
 - b) Estuary Protection Act, 16 USC 1221, et seq: This Act is not applicable because the project does not involve an estuary.
 - c) Federal Water Project Recreation Act, as Amended, 16 USC 460-1(12) et seq:
This Act is not applicable because the project is not considered to be a water recreation project.
 - d) Marine Protection, Research, and Sanctuaries Act, 33 USC, 1401, et seq: This Act is not applicable because the project does not involve the discharge of materials into the ocean.
 - e) Rivers and Harbors Act, 33 USC, 401, et seq: This Act is not applicable because the project would not place obstruction in a navigable waterway.

- f) Watershed Protection and Flood Prevention Act, 16 USC 1101, et seq: This Act is not applicable because the project does not involve the construction of dams in an upstream watershed.

D. COMPLIANCE WITH APPLICABLE TOXIC EFFLUENT STANDARD OR PROHIBITION UNDER SECTION 307 OF THE CLEAN WATER ACT

Section 307 of the Clean Water Act imposes effluent limitations or prohibitions on discharge of materials containing toxic pollutants into surface waters, specifically adrin/dieldrin, several DDT compounds, endrin, toxaphene, benzidine, and polychlorinated biphenyls (PCB). The project will not discharge any of these specified toxic pollutants; therefore it will be in compliance with Section 307 of the Clean Water Act.

E. COMPLIANCE WITH ENDANGERED SPECIES ACT OF 1973, AS AMENDED

A BRR has been prepared for this project that addresses impacts to threatened and endangered species. The BRR concluded that the project may affect but is not likely to adversely affect bald eagles or their habitat and will have no effect on black-footed ferrets and black-tailed prairie dogs.

F. COMPLIANCE WITH SPECIFIC MEASURES FOR MARINE SANCTUARIES DESIGNATED BY THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

Due to the fact that this project does not involve the ocean, this act is nonapplicable.

G. EVALUATION OF EXTENT OF DEGRADATION OF THE WATERS OF THE UNITED STATES

Each of the following sections are previously discussed in this evaluation. The following statements represent the conclusions of these discussions.

- 1) Significant Adverse Effects on Human Health and Welfare: This project will not adversely affect municipal or private water supplies, recreation and commercial fisheries, aesthetics, or water-borne disease rates. Although temporary water quality degradation associated with turbidity and sedimentation and temporary cessation of informal fishing access would occur during construction, no long-term adverse impacts on water quality or the human environment are anticipated.
- 2) Significant Adverse Effects on Life Stages of Aquatic Life and Other Wildlife Dependent on Aquatic Ecosystems: Short-term localized disruption to wildlife habitat, benthos, invertebrates and vertebrates, photosynthesis, plankton, and sight feeders is expected to result from the turbidity and sedimentation caused by construction. However, this project would not significantly or adversely produce long-term effects

on the life stages of aquatic organisms or other wildlife dependant upon aquatic ecosystems.

- 3) Significant Adverse Effects on aquatic Ecosystem, Ecosystem Diversity, Productivity, and Stability: This project would not produce significant adverse effects on the diversity, productivity, or stability of the aquatic ecosystems in the project area.
- 4) Significant Adverse Effects on Recreational, Aesthetic, and Economic Values: This project would not have a significant adverse effect on the recreational, aesthetic, or economic value of any waters of the United States or aquatic ecosystems in the project area.

H. APPROPRIATE AND PRACTICABLE STEPS TAKEN TO MINIMIZE POTENTIAL ADVERSE IMPACTS OF THE DISCHARGE ON THE AQUATIC ECOSYSTEM

The measures taken to minimize the adverse impacts of the discharge on the aquatic ecosystems have previously been described in this evaluation. To summarize, the most significant impact of the proposed project would be erosion of disturbed areas producing increased levels of suspended sediments and turbidity in the surface waters. To minimize these adverse impacts during and after construction, a SWPPP will be established to identify and assure implementation of BMPs. General steps to minimize adverse impacts include:

- 1) Ensure that the project conforms to the natural existing characteristics of the aquatic ecosystem and surrounding terrain.
- 2) Limit the duration and the area of disturbed land.
- 3) Restore and reseed the disturbed areas as soon as practical.
- 4) Control storm runoff by reducing velocities, retaining sediments, and properly maintaining erosion control features.
- 5) Ensure proper maintenance of erosion control structures and methods.
- 6) Time disturbances of the aquatic ecosystem to avoid sensitive periods such as breeding, migration, etc.
- 7) Emphasize the avoidance and minimization of impacts to wetlands before the mitigation of wetlands.
- 8) Assure perpetuation of wetland functions and values.
- 9) Employ additional measures as discussed in the EIS.

I. CONCLUSIONS

Following the inclusion of appropriate and practicable conditions to minimize pollution or adverse effects on the aquatic ecosystem, the proposed disposal sites for the direct discharge of dredged or fill material are specified as complying with the requirements and the guidelines of Section 404 of the Clean Water Act. The appropriate and practicable conditions are discussed in Section H above.

APPENDIX A – REFERENCES AND PERSONAL COMMUNICATION

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US Army Corps of Engineers (COE). 1992a. *Regulatory Guidance Letter MRO 92-02*, August 17, 1992. Omaha District. Omaha, Nebraska.

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U.S. Department of Transportation (USDOT), 2004. *Information and FHWA Guidance Jurisdictional Coverage of Isolated, Non-Navigable Intrastate Waters Under the Section 404 Permit Program*. Web page last modified on January 23, 2004. United States Department of Transportation, Federal Highway Administration.
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US Fish and Wildlife Service. 2002. Response letter to request for information on threatened and endangered species in the vicinity of the project site of US 2 project area. USFWS, Montana Field Office. Helena, Montana. October 31.

US Fish and Wildlife Service. 2003. Department of the Interior Fish and Wildlife Service 50 CFR Part 17 RIN 1018-AI45 Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule to List the Mountain Plover as Threatened. Federal Register: September 9, 2003 (Volume 68, Number 174) [Proposed Rules] [Page 53083-53101] From the Federal Register Online via GPO Access [wais.access.gpo.gov].

USDA, Soil Conservation Service. 1986. *DRAFT Soil Survey of Blaine County and Parts of Phillips County Area, Montana*.

USDA, Soil Conservation Service. 1989. *DRAFT Soil Survey of Hill County Area, Montana*.

Personal Communication

Hagener, Lou. 2003. Personal communication with BLM biologist concerning wildlife species in the US 2 project area. October 30 project meeting in Havre.

Jackson, Scott. 2003. Personal communication with USFWS wildlife biologist concerning wildlife species in the US 2 project area. October 30 project meeting in Havre and November 5.



June 2004

APPENDIX F – Cultural Resources

Summary of Cultural Resources Inventory, US 2: Havre to Fort Belknap, 2002 and 2003

Site #:	Site Type	NRHP Eligibility	Topo. Quad.	Sec. #	Township	Range	Source(s)	SHPO Concurrence (letter date)
BLAINE COUNTY								
PREVIOUSLY RECORDED SITES								
24BL156	Farmstead	Not Eligible	Ft. Belknap Siding	6	32	22	Fox, 1980 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL838	Harlem-Snake Butte Railroad spur	Eligible – A	Harlem	20	32	23	Keller, 2000 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL909	Milk River Diversion Dam and Main Canal	Not Eligible	Ft. Belknap Agency	32	32	23	Rossillon, 1985 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL929	Chinook Bridge	Not Eligible	Chinook	29	33	20	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL930	Three Mile East Chinook Bridge	Not Eligible	Chinook	30	33	20	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL931	One Mile West Zurich Bridge	Not Eligible	Zurich	25	33	20	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL932	Half Mile West Zurich Bridge	Not Eligible	Zurich	30	33	20	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL933	Three Mile East Chinook Bridge (west of 24BL930)	Not Eligible	Chinook	30	33	19	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL934	East Edge Chinook Bridge/Red Rock Creek Overflow	Not Eligible	Chinook	27	33	19	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL935	Two Mile West Chinook Bridge	Not Eligible	Lohman SE	29	33	19	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL936	Three Mile West Chinook Bridge	Not Eligible	Lohman SE	30	33	19	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL937	One Mile West Chinook Bridge	Not Eligible	Lohman SE	28	33	19	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL952	West Harlem Bridge	Not Eligible	Harlem	18	32	23	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL953	Five Mile East Chinook Bridge	Not Eligible	Chinook	28	33	20	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)

Summary of Cultural Resources Inventory, US 2: Havre to Fort Belknap, 2002 and 2003 (continued)

Site #:	Site Type	NRHP Eligibility	Topo. Quad.	Sec. #	Township	Range	Source(s)	SHPO Concurrence (letter date)
BLAINE COUNTY (continued)								
24BL954	Two Mile East Chinook Bridge	Not Eligible	Chinook	25	33	19	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL955	Six Mile West Chinook Bridge	Not Eligible	Lohman	28	33	18	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL956	One Mile East Chinook Bridge	Not Eligible	Chinook	28	33	19	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL957	One Mile West Chinook Bridge (west of 24BL937)	Not Eligible	Lohman SE	29	33	19	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL958	Seven Mile West Chinook Bridge	Not Eligible	Lohman	29	33	18	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL981 (24BL1050)	Lodge Creek Bridge	Eligible – C	Chinook	26	33	19	Axline, 2000 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1120	Terbovitz Homesite	Not Eligible	Lohman	29	33	18	Dau and Brumley, 1989 Ethnoscience, January 2003 Ethnoscience, September, 2003 Ethnoscience, February 2004 Brownell, May 2004	Concur (May 24, 2004)
24BL1121	Hawley Place	Not Eligible	Lohman	29	33	18	Dau and Brumley, 1989 Ethnoscience, January 2003 Ethnoscience, September, 2003 Ethnoscience, February 2004 Brownell, May 2004	Concur (May 24, 2004)
24BL1122	Parson's Farm	Not Eligible	Lohman SE	29	33	19	Dau and Brumley, 1989 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1146	Battle Creek Bridge	Eligible – C	Zurich	27	33	20	Axline, 1993 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1247	Doughten Ford Dealership Building	Not Eligible	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1248	Bear Paw Court Motel and Apartments	Eligible – C	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)

Summary of Cultural Resources Inventory, US 2: Havre to Fort Belknap, 2002 and 2003 (continued)

Site #:	Site Type	NRHP Eligibility	Topo. Quad.	Sec. #	Township	Range	Source(s)	SHPO Concurrence (letter date)
BLAINE COUNTY (continued)								
24BL1249	Conoco "C" Store	Not Eligible	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1250	Farmer's Union Oil Company Building	Not Eligible	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1251	Jamieson's Garage	Eligible – C	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1252	Precision Auto Sales Building	Not Eligible	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1253	B&L Mechanics Building	Not Eligible	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1254	Pehrson's Exxon	Eligible – C	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1257	Tastee Freez Drive-in	Not Eligible	Chinook	27	33	19	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1258	Midway Tavern	Not Eligible	Lohman	29	33	18	Ashley, 1992 Ethnoscience, January 2003 Ethnoscience, September, 2003 Ethnoscience, February 2004 Brownell, May 2004	Concur (May 24, 2004)
24BL1259	Modern Cabins and Grocery	Not Eligible	Lohman	29	33	18	Ashley, 1992 Ethnoscience, January 2003 Ethnoscience, September, 2003 Ethnoscience, February 2004 Brownell, May 2004	Concur (May 24, 2004)
24BL1260	Spa Bar	Not Eligible	Zurich	30	33	21	Ashley, 1992 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1351 (24BL943)	Harlem Canal	Eligible – A	Harlem	Across project area; see site description			Passman, 1995 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1537	Matheson Ditch	Not Eligible	Zurich	27	33	20	Ethnoscience, January 2003 Ethnoscience, January 2004	Concur (April 5, 2004)

Summary of Cultural Resources Inventory, US 2: Havre to Fort Belknap, 2002 and 2003 (continued)

Site #:	Site Type	NRHP Eligibility	Topo. Quad.	Sec. #	Township	Range	Source(s)	SHPO Concurrence (letter date)
BLAINE COUNTY (continued)								
24BL1540	Madras School	Not Eligible	Harlem	4	32	22	Hufstetler and McCormick, 1997 Ethnoscience, January 2003 Ethnoscience, September, 2003	Concur (September 26, 2003)
24BL1541	Vincent Pefaur Farmstead	Eligible – A and C	Harlem	10	32	22	Hufstetler and McCormick, 1997 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1542	Knute and Ardele Kulbeck Farmstead	Eligible – A and C	Harlem	11	32	22	Hufstetler and McCormick, 1997 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1570 (a)	Glacier Park Highway Bridge I	Not Eligible	Lohman	1	32	17	Axline, 2000b Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1570 (b)	Glacier Park Highway Bridge II	Not Eligible	Lohman	36	33	17	Axline, 2000b Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1573	US 2 Highway segment	N/A: MDT Programmatic Agreement	various	Across project area; see site description			Ethnoscience, January 2003	N/A (February 28, 2003)
24BL1574 (24BL1543)	Great Northern Railroad segment	Eligible – A and C	various	Across project area; see site description			Boughton et al., 2000 Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1575	Stone Ring	Not Eligible	Lohman	2	32	17	Boughton et al., 2000 Ethnoscience, January 2003 Ethnoscience, December 2003	Concur (January 13, 2004)
24BL1576	Stone Ring	Not Eligible	Lohman	2	32	17	Boughton et al., 2000 Ethnoscience, January 2003 Ethnoscience, December 2003	Concur (January 13, 2004)
24BL1577	Farmstead	Not Eligible	Lohman	1	32	17	Boughton et al., 2000 Ethnoscience, January 2003	Concur (February 28, 2003)
NEWLY RECORDED SITES								
24BL1708	Field Bridge (Harlem Canal)	Not Eligible	Harlem	11	33	22	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1709	Historic Cultural Material Scatter/Feature	Not Eligible	Harlem	11	33	22	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1710	Historic Cultural Material Scatter/Feature	Not Eligible	Harlem	11	33	22	Ethnoscience, January 2003	Concur (February 28, 2003)

Summary of Cultural Resources Inventory, US 2: Havre to Fort Belknap, 2002 and 2003 (continued)

Site #:	Site Type	NRHP Eligibility	Topo. Quad.	Sec. #	Township	Range	Source(s)	SHPO Concurrence (letter date)
24BL1711	Historic Cultural Material Scatter/Feature	Not Eligible	Zurich	28	33	20	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1712	Historic Cultural Material Scatter/Feature	Not Eligible	Lohman	28	33	18	Ethnoscience, January 2003 Ethnoscience, December 2003	Concur (January 13, 2004)
24BL1713	Circular Depressions and Linear Mound	Not Eligible	Lohman	28	33	18	Ethnoscience, January 2003 Ethnoscience, December 2003	Concur (January 13, 2004)
24BL1714	Residence	Not Eligible	Chinook	26	33	23	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1715	Bunkhouse	Not Eligible	Ft. Belknap Agency	28	32	23	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1716	Farmstead	Not Eligible	Zurich	31	33	21	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1717	Residence	Not Eligible	Zurich	25	33	20	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1718	East Chinook School	Unresolved	Chinook	29	33	20	Ethnoscience, January 2003 Ethnoscience, September, 2003	No Concurrence (February 28, 2003 September 26, 2003)
24BL1719	Residence	Not Eligible	Chinook	30	33	20	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1720	Bunkhouse	Unresolved	Chinook	26	33	19	Ethnoscience, January 2003 Ethnoscience, September, 2003	No Concurrence (February 28, 2003 September 26, 2003)
24BL1721	Farmstead	Not Eligible	Chinook	26	33	19	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1722	Chinook Railroad Depot and Yard	Unresolved	Chinook	27	33	19	Ethnoscience, January 2003 Ethnoscience, September, 2003	No Concurrence (February 28, 2003 September 26, 2003)
24BL1723	Farmstead	Not Eligible	Harlem	20	32	23	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1724	Crossen-Nissen Farmstead	Not Eligible	Harlem	19	32	23	Ethnoscience, January 2003	Concur (February 28, 2003)

Summary of Cultural Resources Inventory, US 2: Havre to Fort Belknap, 2002 and 2003 (continued)

Site #:	Site Type	NRHP Eligibility	Topo. Quad.	Sec. #	Township	Range	Source(s)	SHPO Concurrence (letter date)
24BL1725	Zurich (GTA) Grain Elevator	Eligible –A and C	Zurich	31	33	21	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1726	Bob Burns Barn	Eligible – C	Zurich	31	33	21	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1727	Drugge Farmstead	Not Eligible	Zurich	25	33	20	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1728	Chinook (Farmers Union GTA) Grain Elevator	Eligible –A and C	Chinook	27	33	19	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1729	Chinook (GTA Feed Mill) Grain Elevator	Eligible –A and C	Chinook	27	33	19	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1730	Bitzer & O'Hanlon Farmstead	Unresolved	Chinook	27	33	23	Ethnoscience, January 2003 Ethnoscience, September, 2003	No Concurrence (February 28, 2003 September 26, 2003)
24BL1731	Fifteen Mile Creek Bridge	Eligible – C	Zurich	32	33	21	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1732	Unnamed Wooden Bridge	Not Eligible	Chinook	25	33	19	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1733	Unnamed Wooden Bridge	Not Eligible	Chinook	27	33	19	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1734	Milk River Bridge	Not Eligible	Lohman SE	27	33	18	Ethnoscience, January 2003 MDT letter to SHPO regarding destruction of bridge, November 20, 2003	Concur (November 20, 2003)
24BL1735	Maddox Farmstead	Not Eligible	Chinook	30	33	20	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1736	Asphalt Refinery	Not Eligible	Chinook	26	33	19	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1737	Grain Elevator (Leased to Milk River Elevator)	Not Eligible	Chinook	27	33	21	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1738	Cowell Farmstead	Not Eligible	Harlem	12	32	22	Ethnoscience, January 2003	Concur (February 28, 2003)

Summary of Cultural Resources Inventory, US 2: Havre to Fort Belknap, 2002 and 2003 (continued)

Site #:	Site Type	NRHP Eligibility	Topo. Quad.	Sec. #	Township	Range	Source(s)	SHPO Concurrence (letter date)
24BL1739	Auto Body Shop	Not Eligible	Chinook	27	33	23	Ethnoscience, January 2003	Concur (February 28, 2003)
24BL1740	Former "Little Chicago" Neighborhood Site	Not Eligible	Ft. Belknap Agency	33	32	23	Ethnoscience, January 2003	Concur (February 28, 2003)
HILL COUNTY								
PREVIOUSLY RECORDED SITES								
24HL942	Burlington Northern-Santa Fe Railroad segment	Eligible – A and C	Havre Havre SE	Across project area; see site description			Boughton et al., 2000 Ethnoscience, January 2003	Concur (February 28, 2003)
24HL1121 (1)	Glacier Park Highway Bridge I	Not Eligible	Havre SE	1	32	16	Axline, 2000c Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1121 (2)	Glacier Park Highway Bridge II	Not Eligible	Havre SE	4	32	17	Axline, 2000c Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1121 (3)	Glacier Park Highway Bridge III	Not Eligible	Havre SE	3	32	17	Axline, 2000c Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1123	Vacant Residence	Not Eligible	Havre SE	4	32	17	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1124	House and Cabins	Not Eligible	Havre	3	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1125	Single-wide Trailer	Not Eligible	Havre	4	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1126	Building, Trailers, Shed	Not Eligible	Havre	4	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1127	Farmstead	Not Eligible	Havre	3	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)

Summary of Cultural Resources Inventory, US 2: Havre to Fort Belknap, 2002 and 2003 (continued)

Site #:	Site Type	NRHP Eligibility	Topo. Quad.	Sec. #	Township	Range	Source(s)	SHPO Concurrence (letter date)
24HL1128	US 2 Highway segment	N/A: MDT Programmatic Agreement	Havre Havre SE	Across project area; see site description			Ethnoscience, January 2003	Concur (February 28, 2003)
24HL1129	House, Pump, and Anderson Ditch	Not Eligible	Havre SE	4	32	17	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1130	Scale Association Building and Outhouse	Not Eligible	Havre SE	6	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1131	Residence	Not Eligible	Havre	3	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1132	Residence	Not Eligible	Havre	3	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1133	Sunset Drive-in Theater	Eligible – A and C	Havre	3	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (February 28, 2003)
24HL1134	Doll's Cabinet and Woodcraft Building	Not Eligible	Havre	3	32	16	Boughton et al., 2000 Ethnoscience, January 2003	Concur (No response within 30 days)
24HL1135	Little Box Elder Creek Bridge	Not Eligible	Havre SE	4	32	17	Boughton et al., 2000 Axline, 2000d Ethnoscience, January 2003	Concur (No response within 30 days)
NEWLY RECORDED SITES								
None								

Sources:

Ashley, Joseph M., 1992. Montana Roadside Architecture Inventory. Site Forms 24BL1247-1257 and 24BL1260.

Axline, 1993. *Monuments Above the Water: Montana's Historic Highway Bridges, 1860-1956*. Montana Department of Transportation, Helena, Montana.

Axline, 2000a. *Inventory and Assessment: Reinforced Concrete T-Beam Bridges, 1913-1956*. Environmental Services, Montana Department of Transportation.

Axline, 2000b. *Montana Department of Transportation Historic Bridge Site Form*. 24BL1570.

Axline, 2000c. *Montana Department of Transportation Historic Bridge Site Form*. 24BL1121.

Axline, 2000d. *Montana Department of Transportation Historic Bridge Site Form*. 24BL1135.

Boughton, Jon, Lynn M. Peterson, and Blain Fandrich, 2000. *Cultural Resource Inventory of Highway 2 Between Milepost 383.6 and Milepost 394, Hill and Blaine Counties, Montana*. Ethnoscience for Montana Department of Transportation.

Brownell, Joan L., May 2004. *Reevaluation of the Potential for a National Register Historic District in Lohman, Montana*.

Dau, B.J. and J.H. Brumley, 1989. *A Cultural Resource Inventory of the Lohman-East and West Road Project F 1-7()394*. Ethos Consultants for the Montana Department of Transportation.

Ethnoscience, December 2003. *Archaeological Investigations for the US Highway 2 Havre to Fort Belknap Project (PLH-TSCP1-6(44)384, CN4951): A Report on the Subsurface Findings at Sites 24BL1575, 24BL1576, and 24BL1712 in Blaine County, Montana*. David Evans for Montana Department of Transportation.

Ethnoscience, February 2004. *A National Register District Eligibility Evaluation of Lohman, Montana*. David Evans for Montana Department of Transportation.

Ethnoscience, January 2003. *Fort Belknap to Havre – A Cultural Resource Inventory Along US Highway 2*. David Evans for Montana Department of Transportation.

Ethnoscience, January 2004. *Site Amendment Form, National Register of Historic Places (NRHP) Eligibility Recommendation for 24BL1535 (Matheson Ditch)*. David Evans for Montana Department of Transportation.

Ethnoscience, July 2003. *Addendum to: Fort Belknap to Havre – A Cultural Resource Inventory Along US Highway 2*. David Evans for Montana Department of Transportation.

Ethnoscience, September 2003. Letter (September 20, 2003) providing additional information on sites 24BL1140, 24BL1718, 24BL1720, 24BL1722, and 24BL1730.

Fox, Jr., Richard A., 1980. Site form, on file at University of Montana.

Hufstetler, Mark and Mary McCormick, 1997. *Zurich-Harlem U.S. Highway 2 Reconstruction Project Blaine County, Montana; A Cultural Resource Inventory*. Renewable Technologies, Inc. for the Montana Department of Transportation.

Keller, 2000. *Fort Belknap Treatment Plant, Pipeline, and Access Road (1008BAO/FB-99)*. CRABS document BL 2 33632 on file at Montana State Historic Preservation Office, Helena, MT.

MDT, November 2003. Letter to SHPO regarding accident involving two semi-tractor on Milk River Bridge and subsequent lack of eligibility of the structure due to damage.

Passmann, Dori, 1995. *Zurich-Harlem Canal Project*. Natural Resources Conservation Service, Helena, MT.

Rossillon, Mitzi, 1987. *Final Report of Archaeological and Historic Site Survey in the Fort Belknap-East Highway Project Area (F 1-7(4)430)*. Montana Department of Highways, Helena, MT.

May 9, 1989

PROGRAMMATIC AGREEMENT

Among the Federal Highway Administration (FHWA), the Montana State Historic Preservation Office (MSHPO), and the Advisory Council on Historic Preservation (ACHP), to develop a historic preservation plan to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of FHWA's mission to provide safe, durable and economical transportation.

WHEREAS, Congress has mandated that highway bridges be evaluated, and where found substandard, be rehabilitated or replaced and has provided funding for these purposes, to insure the safety of the traveling public (through the Highway Bridge Replacement and Rehabilitation Program); and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has standards regulating the construction and the rehabilitation of highways and bridges that must be met by the FHWA to insure the safety of the traveling public; and

WHEREAS, Congress declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture; and

WHEREAS, the FHWA proposes to make Federal funding available to the Montana Department of Highways (MDOH) for its ongoing program to construct and rehabilitate roads and bridges, and MDOH concurs in and accepts responsibilities for compliance with this Agreement; and

WHEREAS, the FHWA has determined that the construction and improvement of highways may have an effect on historic roads and bridges that are listed in the National Register of Historic Places, or may be determined eligible for listing, and have consulted with the ACHP and the MSHPO pursuant to Section 800.13 of the regulations (36CFR800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the parties understand that not all historic roads and bridges fall under the jurisdiction or sphere of influence of the FHWA, and that to encourage other parties to participate in preservation efforts; an education to foster a preservation ethic is needed; and

NOW THEREFORE, FHWA, MSHPO, and ACHP agree, and MDOH concurs, that the following program to enhance the preservation potential of historic roads and bridges, and to promote management and public understanding of and appreciation for these cultural resources will be enacted in lieu of regular Section 106 procedures as applied to historic roads and bridges only.

Stipulations

The Federal Highway Administration will ensure that the following program is carried out:

The Federal Highway Administration, in cooperation with the Montana Department of Highways, will develop a preservation plan to ensure the preservation and rehabilitation of the states significant historic roads and bridges, and will develop an on-going educational program to interpret significant historic roads and bridges that illustrate the engineering, economic, and political development of roads in Montana. Specifically:

A. For Public Education

1. MDOH will prepare technical documentation of the history of roads and road construction, and of the history of bridge building in the state, according to a format developed by MDOH in consultation with the MSHPO and in compliance with the Secretary of the Interior's Standards for Preservation Planning. From this documentation MDOH will prepare narrative histories suitable for publication for the general public. Draft copies of the documentation and the narrative histories will be submitted to the FHWA, MSHPO and a list of qualified reviewers to be determined by FHWA, MDOH and MSHPO by December 1, 1990, and 45 days will be allowed for reviewers to comment. MDOH will prepare final documentation and histories by May 1, 1991. Final copies will be distributed to the district, area, and field offices of the MDOH, to the County Commissioners, county road and bridge departments, and county historical societies, to the owners of significant roads and bridges identified in the documentation, to the Montana Historical Society Library and the Montana State Library, and to the general public as requested.
2. MDOH will develop and make available to newspapers and publishers of historical and of engineering journals articles suitable for public information on historic roads and bridges and on their construction and continued significance.
3. MDOH will augment its historic sign program by developing interpretation for the traveling public at existing rest areas or pull-overs to explain Montana's road construction and bridge engineering. It will develop on-site interpretation for significant resources that can be viewed and appreciated by the public.
4. By April 15, 1990 MDOH will develop and circulate a traveling exhibit that portrays the history of the development of transportation in Montana.
5. By December 1, 1991 MDOH will develop and circulate a public program (slide/tape or video) of approximately 20 minutes, suitable for use at public or organization gatherings, classrooms, etc.

B. For Historic Road and Bridge Preservation

1. The FHWA, in co-operation with the MDOH, will prepare a plan for the preservation of significant and representative road segments and bridge types around the state as identified in the research in part A. of this Agreement. The Historic Preservation Plan (HPP) will be presented to the FHWA, MSHPO, the ACHP and list of qualified reviewers by September 1, 1991, and 45 days comment period will be

allowed for discussion and adoption. FHWA will work to resolve disagreement on the proposed HPP. If agreement cannot be reached by December 1, 1991, all FHWA undertakings affecting historic roads and bridges will again become subject to 36 CFR 800 procedures.

The HPP for historic roads and bridges shall be prepared in accordance with the following guidelines:

- a. The essential purpose of the HPP will be to establish processes for integrating the preservation and use of historic roads and bridges with the mission and programs of the FHWA and the MDOH in a manner appropriate to the nature of the historic properties involved, the nature of the roads and bridges in Montana, and the nature of FHWA's mission, to provide safe, durable and economical transportation;
 - b. In order to facilitate such integration, the HPP, including all maps and graphics, will be made consistent with the Federal Aid road and bridge numbering systems;
 - c. The HPP will be prepared in consultation with the owners, managers, caretakers, or administrators of historic roads and bridges, including county governments, city governments, federal agencies, and private individuals or corporations, and with interested parties or organizations, including the American Society of Civil Engineers - Montana Section, and the Montana Society of Engineers;
 - d. The HPP will be prepared with reference to the Secretary of Interior's Standards and Guidelines for Preservation Planning (48 FR 44716-20); and
 - e. The HPP will be prepared by or under the supervision of an individual who meets, or individuals who meet, at a minimum, the "professional qualifications standards" for historian and archaeologist in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).
2. The contents of the HPP will be developed in conjunction with the MSHPO, and will include, but not be limited to, a schedule for the anticipated implementation of the various elements, plus the formulation and presentation of programs to:
 - a. Preserve historic bridges that do not meet safety rating standards by rehabilitation in a manner that would preserve important historic features while meeting as many AASHTO standards as can be reasonably met;
 - b. When a historic bridge must be replaced, give full consideration and demolition savings to reuse of the historic bridge in place by another party.
 - c. When a historic bridge must be replaced and in place preservation is not feasible, give full consideration and

financial assistance to relocating and rehabilitating the historic bridge as a part of the replacement project;

- d. Develop and implement a program to encourage relocation and reuse of bridges of historic age that cannot be preserved in place or used on another location by the state or county;
 - e. Provide a financial incentive by offering demolition savings on all relocation and reuse of bridges of historic age;
 - f. Develop a list of historic roads and bridges that can be preserved. The list should include the variety available to reflect Montana highway construction history, while considering current condition and use. The list should be presented to and discussed with managing units to solicit their cooperation and/or participation in the preparation of the HPP; and
 - g. Devise a program to pursue the preservation of the state's representative and outstanding examples of road and bridge technology. A list of historic roads and bridges that shall be preserved will be developed to implement this program, given currently known commitments to do so by property managers and subject to change by obtaining future commitments for other properties covered by this Agreement.
- 3. The HPP will not include information developed in Part A. above, narrative histories, but will be guided by and used in conjunction with Part A. above, and will be distributed to the same parties.
 - 4. MDOH will prepare a report annually on its implementation of the HPP, and provide this report to the FHWA, the SHPO, and the ACHP for review, comment, and consultation as needed.

C. Other Legal and Administrative Concerns

- 1. FHWA will continue to inventory, evaluate, seek determinations of eligibility, and fully comply with 36 CFR 800 for all undertakings with the potential to affect historic properties besides roads and bridges which are hereby excluded from such consideration.
- 2. The MSHPO, and the ACHP may monitor FHWA and MDOH activities to carry out this PA, by notifying FHWA in writing of their concerns and requesting such information as necessary to permit either or both MSHPO and ACHP to monitor the compliance with the terms of this Agreement. FHWA will cooperate with the SHPO, and the ACHP in carrying out their monitoring and review responsibilities.
- 3. FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.
- 4. If a dispute arises regarding implementation of this PA, FHWA will consult with the objecting party to resolve the dispute. If any consulting party determines that the dispute cannot be resolved, FHWA will request further comments of the ACHP.

cc

Amendment To The Programmatic Agreement Regarding Historic Roads and Bridges In Montana.

We are hereby amending the following stipulations in the Programmatic Agreement.

A. For Public Education

1. In the third sentence December 1, 1990 becomes December 1, 1992. In the fourth sentence, May 1, 1991 becomes May 1, 1993.
5. December 1, 1991 becomes December 1, 1993.

B. For Historic Road and Bridge Preservation

1. September 1, 1991 becomes September 1, 1993 and December 1, 1991 becomes December 1, 1993.

for Federal Highway Administration

Hank Honeywell DATE 02-27-92
Hank Honeywell, Division Administrator

By: Montana State Historic Preservation Officer

Marcella Sherfy DATE 2-27-92
Marcella Sherfy, Montana State Historic Preservation Officer

Advisory Council On Historic Preservation

Robert D. Bush DATE 3-16-92
Robert D. Bush, Executive Director

Montana Department of Transportation

Edrie Vinson DATE Feb 25, 1992
Edrie Vinson, Environmental and Hazardous Waste Bureau

5. During any resolution of disagreements on the PA, and/or in the event MDOH does not carry out the terms of the PA, FHWA will carry out the procedures outlined in 36 CFR 800 for all undertakings otherwise covered by the agreement.

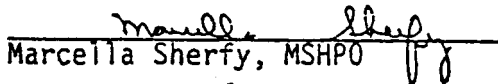
Execution of this PA evidences that FHWA has afforded the ACHP a reasonable opportunity to comment on FHWA's program to construct and improve Montana highways when those undertakings affect historic roads and bridges, and that FHWA has taken into account the effects of these undertakings on significant historic roads and bridges.

BY: FEDERAL HIGHWAY ADMINISTRATION


Roger K. Scott
Division Administrator

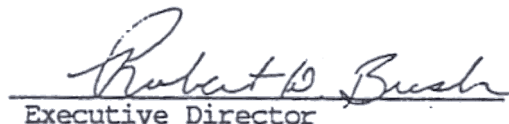
5-11-89
Date

BY: MONTANA STATE HISTORIC PRESERVATION OFFICER


Marcella Sherfy, MSHPO

5-11-89
Date

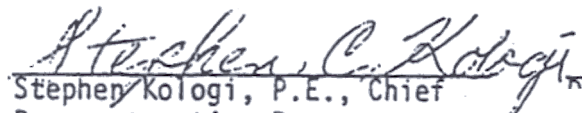
BY: ADVISORY COUNCIL ON HISTORIC PRESERVATION


Executive Director

6-1-89
Date

CONCUR

BY: MONTANA DEPARTMENT OF HIGHWAYS


Stephen Kologi, P.E., Chief
Preconstruction Bureau



MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ www.montanahistoricalsociety.org ♦

May 24, 2004

Jon Axline, Historian
Environmental Services
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

RECEIVED

MAY 24 2004

ENVIRONMENTAL

Re: US2 Havre to Fort Belknap: Lohman Historic District (SHPO 2004051712)

Dear Jon:

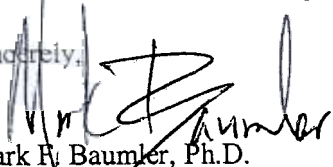
Thank you for your letter received May 17 with report prepared by Joan Brownell regarding the re-evaluation of a potential National Register Historic District in Lohman in conjunction with the above-cited project. I understand that this is in response to our comments of March 11. As requested I asked staff to prioritize the review of this most recent package to facilitate your consideration of the impacts of this proposed highway project.

Based on review of the information and recommendations contained in the Brownell report and with staff input, I am prepared to concur in the determination that no historic district as currently understood appears to exist in Lohman. At the same time, I agree that several individual buildings in Lohman as identified by Brownell may be eligible for the National Register (pending formal inventory and evaluation).

As you know, this was not an easy evaluation for SHPO staff. Although I believe MDT has made a good faith effort for the purposes of this project in applying traditional evaluation methods to identifying a historic district in Lohman, I also believe that several outstanding questions remain. Specifically, further context development and/or clarification with the Keeper may be warranted in the evaluation of similar small Montana communities where loss and change are integral to a history of living on the economic margin and where rural characteristics may be as important as urban in defining historic districts. For these reasons, I will urge you to consult early and often with SHPO staff in approaching the identification and evaluation of similar small communities in the future and to allow time for possible consultations with the National Register staff.

I thank you for your consideration of our earlier comments and for your continued support for the preservation of Montana's significant historic properties.

Sincerely,


Mark R. Baumler, Ph.D.
State Historic Preservation Officer

File: MDT/Havre-Ft Belknap (US Hwy2)



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director

Judy Martz, Governor

**MASTER FILE
COPY**

May 17, 2004

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: PLH-TCSP 1-6(44)384
US 2 - Havre to Fort Belknap
Control No. 4951

Dear Mark

As you know, we've disagreed about the presence of a potential historic district in the small rural community of Lohman, located on US Highway 2 between Havre and Chinook. The latest round of correspondence concerning it occurred on March 11, 2004 with your comments regarding Ethnoscience's February report regarding the potential district. Because it appeared that we were not going to agree about the presence of the district and our need to proceed with the Section 106 process on this project, we asked David Evans and Associates to send Joan Brownell to Lohman to delineate the boundaries of the potential district. Enclosed is her report regarding Lohman. Based on the significance of this project, we are requesting that you please expedite your review.

Brownell does not believe that a potential historic district exists in Lohman for the reasons specified in her report. The narrative and maps, we believe, conclusively supports her argument. She does believe, however, that four sites within the old Lohman townsite would be individually eligible for the National Register. They are: the Main Tank House, Lohman House, Nemetz Place, and the Nemetz Icehouse. The Main Tank House and the Lohman House are located on the north side of the Burlington Northern-Santa Fe Railroad tracks and are outside the impact area for this project. The roadway would remain on the south side of the tracks. The preliminary plans for the US 2 - Havre to Fort Belknap project indicate that the Nemetz House and the Nemetz Icehouse are also located well outside the impact area for the project. The proposed project would have No Effect to those properties. We request your concurrence that no historic district exists in Lohman, but there are four individually NRHP-eligible sites.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

Enclosure

cc: Mick Johnson, Great Falls District Administrator
Tom Martin, P.E., Highway Engineer
Bonnie Steg, Resources Section



MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
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April 29, 2004

RECEIVED

APR 30 2004

JON AXLINE
MDT
2701 PROSPECT AVENUE
PO BOX 201001
HELENA MONTANA 59620 1001

ENVIRONMENTAL

RE: PLH-TCSP 1-6(44) 384, US 2 -Havre to Fort Belknap Control No. 4951

Dear Jon,

We concur with your findings of effect on the listed sites for each of the five alternatives listed. I will be recording all of the sites in our database as effect, unresolved. When MDT makes a decision as to which alternative will be implemented, you will need to get back with us on the question of mitigation. Based on the information, which you have supplied thus far, it is clear that we prefer the alternatives calling for a 2-Lane (improved) or a 2-Lane (passing).

If you have any questions about any points that I have made, you may call me at (406) 444-0388, or email jwarhank@state.mt.us.

Sincerely,

Josef J Warhank
Review & Compliance Officer

file: MDT/2004



Montana Department of Transportation

2701 Prospect Avenue
PO Box 20100
Helena MT 59620-1000

David A. Galt, Director
Judy Martz, Governor

April 14, 2004

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: PLH-TCSP 1-6(44)384
US 2 - Havre to Fort Belknap
Control No. 4951

Dear Mark

Enclosed is the Determination of Effect for the above project in Hill and Blaine counties. Because no preferred alternative has yet been chosen for this project, the document assesses impacts to the NRHP-eligible properties under all five proposed alternatives (including the No-Build Alternative). It does not include the potential Lohman Historic District or the individually recorded sites that are located within the Area of Potential Effect. We are in the process of delineating the boundaries of the potential historic district. A Determination of Effect for the potential district will be forwarded to you when it becomes available.

We have determined that the proposed project would have **No Effect** to 24HL942/24BL1543/24BL1574, 24HL1133, 24BL1146, 24BL838, 24BL1718, 24BL1720, 24BL1722, 24BL1725, 24BL1726, 24BL1728, 24BL1729, and 24BL1730 under all four construction alternatives proposed for this project. There would be **No Adverse Effect** to 24BL1542 under all the alternatives. There would be an **Adverse Effect** to 24BL1541 under all four alternatives. For sites 24BL1251 and 24BL1254, there would be **No Effect** under Alternatives 1 and 2 and an **Adverse Effect** to them if Alternatives 3 or 4 are chosen as the preferred alternative. There would be a **No Effect** to 24BL1248 under Alternatives 1 – 3 and an **Adverse Effect** under Alternative 4. We request your concurrence.

The two NRHP-eligible bridges in the APE, 24BL981 and 24BL1050 will be treated under the terms of the Roads and Bridges Programmatic Agreement.

If you have any questions, please contact me at 444-6258.

Jon Axline, Historian
Environmental Services

Enclosure

Date	Recd	Preconst	4-15-04
Adm.	Info	MAIL ROUTE	
Transportation			
<input checked="" type="checkbox"/>	30 Preconst Engr		
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<input checked="" type="checkbox"/>	34 Hydraulics		
<input checked="" type="checkbox"/>	35 Survey & Mapping		
<input checked="" type="checkbox"/>	36 Traffic Eng		
<input checked="" type="checkbox"/>	39 Consultant Dsn.		

File
ENC
app

cc: Mick Johnson, Great Falls District Administrator
Tom Martin, Consultant Design Bureau
Bonnie Steg, Resources Section

Site	2-Lane (Improved)	2-Lane (Passing)	4-Lane Undivided	4-lane Divided
Great Northern RR	No Effect	No Effect	No Effect	No Effect
24HL1133	No Effect			
24BL1146				
				Adverse Effect
				Adverse Effect
24BL1254	No Effect	No Effect	Adverse Effect	Adverse Effect
24BL1351	No Effect	No Effect	No Effect	No Effect
		Effect		Effect
	No Adverse Effect	No Adverse Effect	No Adverse Effect	No Adverse Effect
24BL1718	No Effect	No Effect	No Effect	No Effect
24BL1720	No Effect	No Effect	No Effect	No Effect
24BL1725	No Effect	No Effect	No Effect	No Effect
24BL1726	No Effect	No Effect	No Effect	No Effect
24BL1728	No Effect	No Effect	No Effect	No Effect
24BL1729	No Effect	No Effect	No Effect	No Effect
	Adverse Effect - PA	Adverse Effect - PA	Adverse Effect - PA	
	Adverse Effect - PA	Adverse Effect - PA	Adverse Effect - PA	Adverse Effect - PA

DETERMINATION OF EFFECT

PLH-TCSP 1-6(44)384 US 2 – Havre to Fort Belknap Control No. 4951

Introduction

The Montana Department of Transportation (MDT) intends to reconstruct 44.9 miles of U.S. Highway 2 in Hill and Blaine counties, Montana. The project begins at Milepost 383.6 at the eastern city limits of Havre in Hill County and proceeds easterly 44.9 miles to the junction of Montana Highway 66 at Milepost 428.5 on the Fort Belknap Indian Reservation in Blaine County. The existing roadway was constructed under 14 projects between 1938 and 1977. Other than routine maintenance and periodic overlays, there have been no significant changes to the roadway since 1977. The existing roadway's driving surface varies between 28 and 47 feet.

The US 2 – Havre to Fort Belknap project would generally follow the existing alignment. Currently there are four alternatives under consideration for this project. They are: an improved two-lane, a two-lane with passing lanes, an undivided four-lane, and a divided four-lane roadway.

The Improved Two-Lane Alternative (Alt. 1) would consist of two 12-foot driving lanes and two 8-foot shoulders with a total paved width of 40-feet. Left-turn lanes would be added at some sections of the rural sections, which would increase the total width to 52-feet in those sections. Two-way left-turn lanes would extend 1.5 miles from Havre's eastern city limits eastward. In Chinook, the roadway would remain within the existing curb lines and would accommodate two driving lanes, two shoulder/parking lanes and a turn lane at the intersection of Indiana Street. In Harlem, right and left turn lanes would be provided for roads and business access in the community.

The Improved Two-Lane with Passing Lanes Alternative (Alt. 2) would involve the same typical sections described in the above paragraph. It would, however, provide intermittent 12-foot passing lanes in the rural sections. In Chinook, the roadway would still remain within the existing curb lines, but would provide a center two-way, left-turn lane through the community and a shoulder/parking lane in designated areas.

The Four-Lane Undivided Alternative (Alt. 3) would consist of four 12-foot driving lanes and two 8-foot shoulders a total paved width of 64-feet. There would be no median dividing the opposing driving lanes and left-turn lanes would be added at some locations. East of Havre, the 4-lane roadway with a center two-way left-turn lane would be extended 1.5 miles beyond the city limits. In Chinook, the roadway would be widened from its existing footprint and would consist of four driving lanes and two shoulder/parking lanes.

The Four-Lane Divided Alternative (Alt. 4) would consist of four 12-foot driving lanes and two 8-foot shoulder divided by a 28-foot landscaped median with 4-foot inside shoulders for a total

width of 100-feet. In Chinook, the roadway would be widened and shifted to the south by 75-feet to provide increased distance between the railroad at the Indiana Street intersection.

Additional Right-of-Way (R/W) would be required under all alternatives considered.

No preferred alternative has yet been selected; consequently, this document will consider impacts to cultural resources under all four alternatives.

Significant Cultural Resources

Several cultural resource surveys of the project area were conducted between 1997 and 2004. The MDT and the Montana State Historic Preservation Office (SHPO) concurred in the National Register of Historic Places (NRHP) eligibility of twenty historic sites. They are: the Great Northern Railway (24HL942/24BL1543/24BL1574), Sunset Drive-In (24HL1133), Harlem-Snake Butte Railroad (24BL838), Lodge Creek Bridge (24BL981/1050), Battle Creek Bridge (24BL1146), Bear Paw Court Motel (24BL1248), Jamieson Motors (24BL1251), Pehrson's Exxon (24BL1254), Harlem Canal (24BL1351), Vincent Pefaur Homestead (24BL1541), Kulbeck Farmstead (24BL1542), East Chinook School (24BL1718), Bunkhouse (24BL1720), Chinook Depot (24BL1722), Zurich Grain Elevator Complex (24BL1725), Archer Farmstead (24BL1726), Chinook Grain Elevator Complex (24BL1728), Bitzer and O'Hanlon Farmstead (24BL1730), GTA Feed Mill Grain Elevator Complex (24BL1729), Fifteen Mile Creek Bridge (24BL1731), and the Sunset Theater Drive-In (24HL1133).

The Great Northern Railway was constructed through the project area in 1887. Now called the Burlington Northern-Santa Fe Railroad, it had an extremely significant impact on the agricultural, commercial and industrial development of Montana's Hi-Line. The active railroad is eligible for the National Register under Criterion A.

Built in 1948, the Sunset Drive-In is one of only a few drive-in movie theaters that still exists in Montana. It is eligible for the NRHP under Criteria A and C because of its significance to the history of the Havre area in the mid to late 20th century and because nearly all of its original architectural features are still intact.

The Harlem-Snake Butte Railroad was constructed as a spur line to the Great Northern Railway in 1936-1937. It carried rock from the Snake Butte area to the Fort Peck Dam, the largest earth-fill dam at the time. The site is eligible for the NRHP under Criterion A.

Built in 1942, the Lodge Creek Bridge is a reinforced concrete T-Beam bridge. It retains all of its original structural features and is eligible for the NRHP under Criterion C.

The Battle Creek Bridge was constructed in 1915 and is a good example of a pin-connected Pratt through truss structure. It is eligible for the National Register under Criterion C.

The Bear Paw Court Motel was constructed in 1951 and is an excellent example of a 1950s era roadside motel. The structures retain their original features and the original neon sign is still intact. The property is eligible for the NRHP under Criteria A and C.

Built in 1910, Jamieson Motors is an excellent architectural example of an early 20th century automotive-related building. It is virtually unaltered and still retains two 1930s era neon signs. It is eligible for the National Register under Criterion C.

Pehrson's Exxon was constructed in 1951 and is an excellent example of a 1950s era roadside gas station. It is eligible for the NRHP under Criterion C.

The Harlem Canal was constructed in 1903 and played a significant role in the settlement and agricultural development of Blaine County. Originally a part of the Milk River Project, it is eligible for the NRHP under Criterion A.

Vincent Pefaur Homestead consists of nine agricultural-related buildings dating from 1920 to 1952. Because it is associated with agriculture in Blaine County and because the buildings maintain a high degree of architectural integrity, it is eligible for the National Register under Criteria A and C.

The Kulbeck Farmstead contains a barn and milk house that are associated with the early agricultural development of the area and which both retain considerable integrity. The two features are eligible for the NRHP under Criteria A and C.

Built in 1900, the East Chinook School was the first school built in Chinook. It operated until 1972, when it closed its doors. Because of the school's association with the social history of Chinook and its architectural integrity, it is eligible for the NRHP under Criteria A and C.

The Bunkhouse is representative of early 20th century migrant workers accommodations. Built sometime between 1934 and 1940, it is eligible for the National Register.

The Chinook Depot was constructed sometime between 1948 and 1954. It is likely eligible for the National Register.

Zurich Grain Elevator Complex consists of five features, including two grain elevators, an office, grain bin, and outhouse. It was developed between 1915 and 1975. It is eligible for the NRHP under Criteria A and C because of its association with the agricultural development of the area and because the historic-age buildings within the complex retain a high degree of architectural integrity.

The Archer or Burns Farmstead was established in 1910. It currently consists of 18 features, of which the barn is the only eligible feature on the property. It is eligible under Criterion C because it is a representative example of an early 20th century barn. It is also a well-known local landmark.

Developed between 1952 and 1978, the Chinook Grain Elevator Complex consists of six features, including three grain bins, a grain elevator annex, grain elevator, drive house, and office. Because of its association with the post-war agricultural boom in northern Montana and its excellent architectural integrity, it is eligible for the NRHP under Criteria A and C.

The Bitzer and O'Hanlon Farmstead was established in 1894 and contains ten features, the latest of which dates to 1977. It is associated with the early agricultural development of the Chinook area and is likely eligible for the NRHP.

The GTA Feed Mill Grain Elevator Complex was established in 1947 and contains five buildings associated with the operation of the site from 1947 to 1954. They include a warehouse/office, feed mill, drive house, grain elevator, grain elevator annex. It is eligible for the National Register under Criteria A and C.

Built in 1949, the Fifteen Mile Creek Bridge is a 2-span continuous steel stringer bridge with a concrete deck and piers. It is a good representative example of the type and is eligible for the Register under Criterion C.

Project Impact

Aerial photographs with the proposed roadway, R/W, construction limits under all four alternatives have been completed for the US 2 – Havre – Fort Belknap project and are attached (Figures 1 – 31).

The proposed US 2 – Havre to Fort Belknap project alignment would be shifted to maintain a specified distance from the Great Northern Railway (as determined by an existing agreement between the MDT and the Burlington Northern – Santa Fe Railroad. Consequently, there would be no encroachment on the site by the proposed roadway, no acquisition of new R/W, and no intrusion of construction activities on the railroad's R/W. The existing railroad alignment would be perpetuated and no railroad-related structures removed or relocated. There would be no change in the function of the property as a result of the project.

At the Sunset Theatre Drive-In (24HL1133) under Alternates 2 – 4, approximately 0.02 acres of new R/W would be required to accommodate the wider roadway. The existing alignment would be perpetuated and the roadway widened on both sides of the centerline. The Alternatives would not significantly encroach on the property and none of the existing buildings would be relocated or replaced. The existing configuration of the buildings would be maintained and not changed by the proposed project. Under Alternative 1 (Improved Two-Lane), no new R/W would be acquired from the NRHP-eligible property. The existing access to the drive-in theatre would be perpetuated and remain unchanged (Figures 1 - 4).

The Battle Creek Bridge (24BL1146) is located outside the project's impact area on the north side of the Great Northern Railway (24BL1543/24BL1574). No construction activities are planned for the north side of the tracks. There would be no impact to the bridge and it will not be discussed further in this document (Figure 5).

At the Harlem – Snake Butte Railroad crossing (24BL838), the existing railroad alignment would be perpetuated, but the roadway would be widened to accommodate the wider two and four lane roadway. The railroad alignment itself would not be modified to accommodate the roadway. The roadway would be widened from the existing 39-feet where the railroad crosses U.S. Highway 2 to a maximum of 100-feet under Alternative 4. About 0.12 to 0.17 acres of new R/W would be required where the railroad spur line crosses U.S. Highway 2 (Figures 6 – 9).

The Bear Paw Court Motel (24BL1248) is located within the Chinook city limits. Under Alternatives 1 – 3, the site is outside of the existing and proposed R/W for the project. It is also located outside the construction limits and there would be no impact to the access to the site or its functions. Under Alternative 4, however, the wider roadway and required additional R/W would impact the site by requiring the removal of the neon advertising sign at the front of the property. There would be no encroachment on the buildings of the motel complex under this alternative (Figures 10 – 13).

Jamieson Motors (24BL1251) is located outside the proposed R/W boundaries and outside the proposed construction limits of Alternatives 1 and 2 of the US 2 – Havre to Fort Belknap project. There would be no impact to the access to the site and no encroachment on the property's features. The function of the building would also remain unchanged. Under Alternatives 3 and 4, however, the building would be impacted by the widening of the roadway to a four-lane in addition to the construction of sidewalks. It would fall well within the construction zone of both the Alternatives (Figures 10 – 13).

Pehrson's Exxon (24BL1254) is located outside the proposed R/W boundaries and outside the proposed construction limits of Alternatives 1 and 2 of the US 2 – Havre to Fort Belknap project. There would be no impact to the access to the site and no encroachment on the property's features. The function of the building would also remain unchanged. Under Alternatives 3 and 4, however, the building would be impacted by the widening of the roadway to a four-lane in addition to the construction of sidewalks. It would fall well within the construction zone of both the Alternatives (Figures 10 – 13).

At the Harlem Canal (24BL1351), the existing box culvert would be replaced with a new structure to accommodate a wider roadway. There would be no change in the width or alignment of the canal. It would still function in its historic capacity (Figures 6 – 9).

At the Vincent Pefaur Farmstead (24BL1541), proposed widening under all four alternatives would result in an impact to six of the site's nine features. Impacted would be a residence (F-1), two migrant worker buildings (F's 4 and 7), two other buildings (F's 5 and 6), and a Quonset-type barn (F-8). The roadway cannot be shifted to the north and away from the site because of the presence of the Great Northern Railway (24BL1542/24BL1574) and the agreement the MDT has with the BNSF to maintain a specific distance from the railroad's centerline (Figures 14 – 17).

At the Knute and Ardele Kulbeck Farmstead (24BL1542) about 0.61 acres of new R/W would be required to accommodate the wider roadway under Alternatives 1 and 2. Under Alternatives 3 and 4, 0.71 and 0.79 acres of additional R/W would be required from the site. No buildings are located within the area needed for R/W and there would not be any impact to any of them as a result of the project (Figures 18 – 21).

The East Chinook School (24BL1718) is located north of the Great Northern Railway (24BL1542/24BL1574) tracks and is, consequently located outside the impact area for this

proposed project. None of the proposed alternatives would cross the existing railroad tracks to the north. The East Chinook School will not be considered further in this document (Figure 22).

The Bunkhouse (24BL1720) is located well outside the proposed R/W boundaries for this project. The construction limits are also located a significant distance from the site. There would be no impact to it as a result of the project (Figures 23 – 26).

The Chinook Depot is located outside the impact area for this project. It is situated between the Great Northern/BNSF Railroad main line and a spur. There are no plans to relocate any section of active railroad line for this project. There would be no impact to the site and it will not be discussed further in this document (Figures 10 – 13).

The GTA Zurich Grain Elevator Complex (24BL1725) is located outside the proposed R/W boundary for all four alternatives. It is also located outside the construction limits for the project. There would be no encroachment on the site and the centerline in its proximity would be perpetuated. The site's proximity adjacent to the Great Northern Railroad Main Line (24BL1542/24BL1574) would also serve to protect the site as the MDT is legally required to keep the roadway a specific distance from the railroad (Figures 27 – 30).

The Barn (F-2) at the Archer or Burns Farmstead (24BL1726) is also located well outside the R/W boundary and construction limits under all four alternatives proposed for this project. The centerline would be shifted to the south and closer to the site, but it is still outside the impact area. There would be no R/W acquired from the property and the alternatives would not encroach on the barn (Figures 27 – 30).

The Chinook Grain Elevator Complex (24BL1728) is located within the existing MDT R/W adjacent to the Great Northern Railroad (24BL1542/24BL1574). The project has been designed to allow the historic site to continue its historic function with the development of all four alternatives. The construction limits in Chinook have been pulled in to avoid any impacts to the site. Its existing function as a grain elevator would be perpetuated as would the historic access to it. The roadway and fill slopes would not encroach on any of the buildings associated with the property (Figures 10 – 13).

The Chinook GTA Feed Mill Grain Elevator Complex (24BL1729) is located within the existing MDT R/W adjacent to the Great Northern Railroad (24BL1542/24BL1574). The project has been designed to allow the historic site to continue its historic function with the development of all four alternatives. The construction limits in Chinook have been pulled in to avoid any impacts to the site. Its existing function as a grain elevator would be perpetuated as would the historic access to it. The roadway and fill slopes would not encroach on any of the buildings associated with the property (Figures 10 – 13).

The Bitzer and O'Hanlon Farmstead (24BL1730) is located on the north side of the Great Northern Railroad (24BL1542/24BL1574) and is located outside the impact area for this proposed project. The project through this area would be confined to the south side of the railroad tracks with no construction activities north of the line. The Bitzer and O'Hanlon Farmstead will not be discussed further in this document (Figure 31).

Two bridges (24BL981 and 24BL1050) are located on U.S. Highway 2 within the project area. Both structures are narrow and do not meet the standards set for the proposed reconstruction project. Both bridges would be replaced under all four alternatives. The bridges will be treated under the provisions of the Historic Roads and Bridges Programmatic Agreement and will not be discussed further in this document.

Project Effect

There would be **No Effect** to the NRHP-eligible Great Northern Railroad (24HL942/24BL1542/24BL1574) as a result of the proposed project. Per agreement, the MDT would maintain a specified distance away from the railroad's alignment. Consequently, there would be no encroachment on the existing railroad R/W, change in the alignment, or encroachment on the property that would result in the relocation or removal of railroad-related features. The function of the railroad would continue unchanged and there would be no diminution of the qualities that make the site eligible for the National Register.

There would be **No Effect** to the NRHP-eligible Sunset Drive-In Theatre (24HL1133) under all the proposed alternatives for this project. Only a minimal amount of new R/W would be required to accommodate the wider roadway. The existing access to the site would be perpetuated and none of the existing buildings and structures associated with the complex would be relocated or removed as a result of the project. The characteristics that make the site eligible for the National Register would remain intact and not be diminished by the project. The existing layout of the site would be perpetuated. The setting would not be significantly altered as the area has been heavily developed by commercial enterprises within the last 25 years.

There would be **No Effect** to the Harlem – Snake Butte Railroad (24BL838). The work would be limited to where the highway crosses the railroad grade. The existing railroad alignment would remain intact and unchanged. There would be no significant change in the rural setting of the site. The proposed widening would constitute 0.13% of the overall length of the railroad spur line. There would be no diminishment of the qualities that make the site eligible for the National Register and its significance to the history of the area would be perpetuated. There would be no change in the setting of the property.

There would be **No Effect** to the Bear Paw Court Motel (24BL1248) as a result of Alternatives 1 – 3 of the project. The site is located outside the proposed R/W boundaries and would not be impacted by any construction activities. The existing access to the site would be perpetuated and none of the buildings or features on the site would be removed or impacted by proposed construction activities. The site's historic function and presentation both to and from the road would be perpetuated. There would be no diminishment of the characteristics that make the site eligible for the National Register of Historic Places. Under Alternative 4, however, the contributing neon advertising sign adjacent to the roadway would be removed as a result of the project. It would be located within the proposed R/W boundary and be impacted by construction activities. Alternative 4, therefore, would cause an **Adverse Effect** to the NRHP-eligible Bear Paw Court Motel. Mitigation measures for the site if Alternative 4 is selected as the preferred alternative are outlined below.

The proposed project would have **No Effect** to Jamieson Motors (24BL1251) under Alternatives 1 and 2. The building would remain outside the proposed R/W boundary and the construction limits would not encroach on the property. The existing two-lane roadway and centerline would be perpetuated. There would be no change in the setting of the site, nor would its appearance or other characteristics that make it eligible for the NRHP be altered or significantly changed. Alternatives 3 and 4, however, would have an **Adverse Effect** on the property and result in its demolition. The significantly wider roadway and accompanying sidewalks and curb would encroach significantly enough on the site to result in its removal from the property. The roadway through Chinook is restricted by the presence of the Great Northern Railway Main Line on the north side of the highway. By agreement, the MDT cannot move closer to the railroad. The NRHP-eligible GTA Feed Mill Grain Elevator Complex (24BL1729) is located adjacent to the railroad tracks across from Jamieson Motors. Shifting the alignment to the north closer to the grain elevators and the railroad is not possible. The constricted nature of the project area makes the modification of the alignment difficult to narrow or shift. Consequently, the removal of Jamieson Motors would occur if either Alternatives 3 and 4 are chosen as the preferred alternative for this project. Mitigation measures for the building are outlined below.

The proposed project would have **No Effect** to Pehrson's Exxon (24BL1254) under Alternatives 1 and 2. The building would remain outside the proposed R/W boundary and the construction limits would not encroach on the property. The existing two-lane roadway and centerline would be perpetuated. There would be no change in the setting of the site, nor would its appearance or other characteristics that make it eligible for the NRHP be altered or significantly changed. Alternatives 3 and 4, however, would have an **Adverse Effect** on the property and result in its demolition. The significantly wider roadway and accompanying sidewalks and curb would encroach significantly enough on the site to result in its removal from the property. The roadway through Chinook is restricted by the presence of the Great Northern Railway Main Line on the north side of the highway. By agreement, the MDT cannot move closer to the railroad. Shifting the alignment to the north closer to the railroad is not possible. The constricted nature of the project area makes the modification of the alignment difficult to narrow or shift. Consequently, the removal of Pehrson's Exxon would occur if either Alternatives 3 and 4 are chosen as the preferred alternative for this project. Mitigation measures for the building are outlined below.

There would be **No Effect** to the Harlem Canal (24BL1351) as a result of the proposed reconstruction project. The box culvert where the canal passes under U.S. Highway 2 would be replaced with a new structure to accommodate the wider roadway. There would be no rechanneling and no change in the width or alignment of the structure. The canal's existing alignment would be perpetuated as would its existing and historic function as an irrigation facility. The setting of the property would also remain intact.

There would be an **Adverse Effect** to the Vincent Pefaur Farmstead (24BL1541) under all four proposed alternatives. Because of roadway reconstruction and widening, Features 1 and 4-8 would be significantly impacted by the proposed project. The impact would likely result in the removal or relocation of the buildings. This would constitute an effect to the historic significance, integrity and setting of the property. The centerline cannot be shifted to the north and away from the site because of the close proximity of the Great Northern Railway (24BL1542/24BL1574) and the MDT's agreement with the BNSF to maintain a specific distance

from the railroad's centerline. The MDT's proposed mitigation measures for the property are outlined below.

There would be **No Adverse Effect** to the Knute and Ardele Kulbeck Farmstead (24BL1542) under all four proposed alternatives for this project. Additional R/W would be required that would significantly encroach on the site boundaries. Although no buildings would be directly impacted, there would be a change in the setting of the property because of the roadway reconstruction and a minor diminishment of the site's integrity. The buildings would remain adjacent to U.S. Highway 2, but the roadway would be closer to them. The project would not cause an adverse effect to the site.

There would be **No Effect** to the Bunkhouse (24BL1720). The site is located well outside the proposed R/W limits for all four alternatives. The construction limits do not come close to the property either. The setting of it would remain intact and the characteristics that make it eligible for the NRHP perpetuated. It would retain its existing presentation to and from the roadway.

There would be **No Effect** to the NRHP-eligible GTA Zurich Grain Elevator Complex (24BL1725) under all the alternatives. The site is located outside the proposed R/W boundaries and construction activities would not encroach onto the property boundaries. The existing centerline of the roadway would be perpetuated with the roadway located no closer to the railroad than absolutely necessary. There would be no diminution of the characteristics that make the site eligible for the NRHP and none of the other criteria for Adverse Effect apply to this property and the proposed project. Its historic function would be perpetuated and no buildings or features associated with the complex would be removed or relocated. The setting of the site would also remain intact.

There would be **No Effect** to the Barn (F-2) at the Archer or Burns Farmstead (24BL1726) under all four alternatives for this reconstruction project. The R/W and construction limits are located well away from the barn and would not encroach on the structure. The qualities that make the barn eligible for the NRHP would remain intact and unchanged as would the setting of the property and its function. Its presentation to and from the roadway would also be perpetuated. None of the impacts that would constitute an adverse effect to this property are present under any alternative proposed for this project.

There would be **No Effect** to the NRHP-eligible Chinook Grain Elevator Complex (24BL1728). The site is already located within the existing MDT R/W adjacent to the Great Northern Railroad Main Line. Preliminary plans have been developed that avoid impacts to the site and allow it to continue in its historic function as a grain elevator. There would be no significant change in the setting of the property, function or its appearance. The characteristics that make the site significant to the history of the area, including its integrity, would not be altered in any way by the project.

There would be **No Effect** to the NRHP-eligible Chinook GTA Grain Elevator Complex (24BL1729). The site is already located within the existing MDT R/W adjacent to the Great Northern Railroad Main Line. Preliminary plans have been developed that avoid impacts to the site and allow it to continue in its historic function as a grain elevator. There would be no

significant change in the setting of the property, function or its appearance. The characteristics that make the site significant to the history of the area, including its integrity, would not be altered in any way by the project.

Alternatives

Four alternatives are currently under consideration for this proposed project. No preferred alternative has yet been selected. Each alternative is described above in the Introduction. The No-Build Alternative was considered for this project, but discounted because it does not meet the purpose and need of the project.

Mitigation

The proposed US 2 – Havre to Fort Belknap project would have an adverse effect to six NRHP-eligible properties. It would have an adverse effect to the Bear Paw Court Motel (24BL1248) only under Alternative 4 (Divided Four-Lane). An adverse effect would occur to Jamieson Motors (24BL1251) and Pehrson's Exxon (24BL1254) if either Alternative 3 (Undivided Four-Lane) or 4 (Divided Four-Lane) is chosen as the preferred alternative. The Pefaur Farmstead (24BL1541) would be adversely effected if any of the four alternatives are chosen. Finally, two bridges, 24BL981 and 24BL1050, would also be adversely effected under all four alternatives since they would not meet the standards of the proposed roadway.

The MDT will consult with the National Park Service to determine what level of Historic American Building Survey (HABS)-level recordation of 24BL1251, 24BL1254, and 24BL1541 is appropriate for these three sites. The completed documents will be submitted to the National Park Service with copies provided to the local historical society and the Montana State Historic Preservation Office. The information will also be provided to the *Havre Daily News* and the *Chinook Journal News-Opinion*, for possible inclusion in those publications as feature articles.

The extent of the adverse effect to the Bear Paw Court Motel (24BL1248) is the removal of the neon sign advertising the business. The MDT will relocate the sign to a new location on the property where it will continue to function as an advertising medium. Prior to the relocation, however, the MDT will photo-document with color and large-format black and white photographs the motel complex. The color photographs will include the neon sign while it lighted.

The MDT will treat the replacement of the two bridges under the terms of the Roads and Bridges Programmatic Agreement. This would include putting both bridges up for adoption and conducting Historic American Engineering Record-level recordation of them. The completed documents would be submitted to the National Park Service, Montana SHPO, local historical society, and Montana State University-Bozeman.



MONTANA HISTORICAL SOCIETY

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March 11, 2004

JON AXLINE
MDT
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PO BOX 201001
HELENA MONTANA 59620 1001

RECEIVED

MAR 15 2004

ENVIRONMENTAL

RE: PLH-TCSP 1-6(44) 384 US 2 - Havre to Fort Belknap Control No. 4951

Dear Jon,

Thank you for the report prepared by Ethnoscience entitled "A National Register District Eligibility Evaluation of Lohman, Montana". Despite the additional information and discussion it provides, we continue to disagree with your assessment of a lack of a historic district at Lohman. First, the cover letter implies that the consultant was hired to find evidence of no district, rather than to evaluate the property without prejudice.

Page 9 of the report discusses the deterioration of the surviving historic buildings, and implies that their dilapidated condition results in diminished integrity. As we know, condition and integrity are not the same thing - and the author presented no evidence that the surviving buildings lack sufficient integrity to convey their significance. Indeed, from the photographs it appears that a majority of the buildings retain a very HIGH degree of integrity.

Two thirds of the buildings and structures in Lohman date to the historic period. And depending how boundaries are drawn, a historic district could indeed include only those buildings that date to the historic period.

An evaluation of significance must acknowledge that properties change through time, and the loss of buildings from the first period of development - the railroad phase - tells us a great deal about how the place changed through time. We are not evaluating what was there, but what is there now, and can those buildings and structures, as a whole serve to convey the history of the place.

We do not agree that only the water tower retains integrity. The barn, even in its deteriorated condition, appears to retain a high degree of integrity. The German building certainly would contribute to a district, and is a fine local example (if the only local example) of western commercial architecture. The only change to the Lohman



RE: PLH-TCSP 1-6(44) 384 US 2 - Havre to Fort Belknap Control No. 4951 March 11, 2004

residence appears to be the replacement of the triple double-hung windows at the southeast corner of the house with a single picture window. The foundation is new, but does not interfere with the integrity of design, workmanship, materials, setting, feeling, or association. There was not a good enough photo of the Nemetz farmhouse to tell whether it retains integrity. From the rear view (Photo 2), however, it appears that there is a new roof, but the overall integrity, would be sufficient for it to contribute to a potential district. I agree that the school building no longer retains integrity sufficient to convey its associations.

The granary pictured in photo #22 is in excellent condition, and remains unchanged from the historic period. While suffering from vandalism and neglect, the motel, cabins and tavern all appear much the same as they did during the second phase of development in Lohman, and define the period when the town largely served as a highway stop. Indeed the transition from railroad stop to highway stop is interesting, as the town has been tied to changes in transportation since its inception. In sum, SHPO continues to believe that a small eligible historic district exists in Lohman.

The form, design, workmanship and materials of the building highlighted in the report are certainly sufficient to convey their associations in architectural form and style. While the condition of some of the buildings is poor, they retain sufficient integrity in our mind to be eligible under Criterion A & B.

A few excerpts from Bulletin 15 may help here:

DEFINING THE ESSENTIAL PHYSICAL FEATURES

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant (Applicable Criteria and Areas of Significance) and *when* it was significant (Periods of Significance). They are the features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district.

Criteria A and B

A property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site (such as a treaty site) where there are no material cultural remains, the setting must be intact. ... [We are not going to discuss criteria C and D because we do not think that they apply.]

RE: PLH-TCSP 1-6(44) 384 US 2 - Havre to Fort Belknap Control No. 4951 March 11, 2004

Finally, regarding the authors conclusions, the local people interviewed can speak to what this district means to them and thus argue for its significance, but the interviewees are not experienced in evaluating a property for the National Register, and therefore not qualified to comment on the district's eligibility. The author also fails to acknowledge that the removal of the buildings dates to the historic period, and therefore their loss, although acknowledged, contributes to our understanding of how the town developed through time.

Again, thank you for this additional report. It does not change but rather reinforces my belief that the town is significant for its association with the development of transportation corridors and local commercial development, and for its association with Andrew Lohman as a significant local person.

If you have any questions about any points that I have made, you may call me at (406) 444-0388, or email jwarhank@state.mt.us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Josef J Warhank', written in a cursive style.

Josef J Warhank
Review & Compliance Officer

file: MDT/2004



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director

Judy Martz, Governor

Taped to consultant 2/23/04

Deb
mandy
Colleen
EIS
file

February 18, 2004

Mark Baumler, Ph.D.
State Historic Preservation Office ---
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

MASTER FILE
COPY

Subject: PLH-TCSP 1-6(44)384
US 2 - Havre to Fort Belknap
Control No. 4951

Dear Mark:

On February 28, 2003 you suggested that a rural/urban historic district may exist at Lohman in Blaine County. We disagreed with that assessment and asked the cultural resource consultant, Ethnoscience, to revisit the site and prepare an argument against the presence of the historic district based on the existing buildings and structures in comparison with what was historically located there. Ethnoscience was also able to visit with some long-time residents of Lohman about the community and their views about its historic significance. Based on this excellent report, we continue to maintain that there is no potential historic district at Lohman. We also maintain that the Terbovitz Homesite (24BL1120), Midway Tavern (24BL1258), Modern Cabins & Grocery (24BL1259), and the Hawley Place (24BL1121) are not individually eligible for the National Register of Historic Places. We request your concurrence.

If you have any questions, please contact me at 444-6258

Jon Axline
Jon Axline, Historian
Environmental Services

Enclosures

cc: Mick Johnson, Great Falls District Administrator
Tom Martin, Consultant Design Bureau
Bonnie Steg, Resources Section

Date Recd Preconst		2/20/04	thru
Act	Info	MAIL ROUTE	
	✓	30 Preconst Engr	
	✓	30 Assistant	
		30 Office Mgr	
		31 Safety Mgmt.	
		32 Road Design	
		33 Environment	
		34 Hydraulics	
		35 Survey & Mapping	
		36 Traffic Eng	
	✓	39 Consultant Dsn.	



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

2004010203

December 31, 2003

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: PLH-TCSP 1-6(44)384
US 2 - Havre to Fort Belknap EIS
Control No. 4951

RECEIVED
JAN 15 2004
JAN 01 2004
ENVIRONMENTAL

Josef
MDT
US 2 - Havre to
Fort Belknap EIS

Dear Mark:

Enclosed is the cultural resource addendum, site forms, and CRABS for three sites located within or near the APE of the above project in Blaine County. Ethnoscience conducted subsurface testing of 24BL1712, 24BL1575, and 24BL1576 and recommended the three sites ineligible for the National Register of Historic Places for the reasons specified in the report. Access was not available to conduct testing at 24BL1713. Based on the information obtained from other sources, however, Ethnoscience recommends that site ineligible for the National Register as well. We agree with Ethnoscience's recommendations and request your concurrence.

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

CONCUR
MONTANA SHPO
DATE 3/20/04 SIGNED [Signature]

Enclosures

cc: Mick Johnson, Great Falls District Administrator
Carl Peil, P.E., Preconstruction Bureau
Bonnie Steg, Resources Section

File MDT/2004

2003112008



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor



November 20, 2003

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: PLH-TCSP 1-6(44)384
US 2 - Havre to Fort Belknap
Control No. 4951

CONCUR
MONTANA SHPO
DATE 12/1/03 SIGNED

Josef
MDT
US-2-Havre
to Fort Belknap

Dear Mark:

On November 18th, a semi-tractor towing a bulldozer struck one of the endposts of the National Register-eligible Milk River Bridge (24BL1734) on US Highway 2 about 12 miles east of Havre. The collision severed the critical structural component causing one of the spans to collapse. The collapse of the span has closed down a busy section of US 2 between Havre and Chinook. The damaged span can not be repaired and would be replaced. Attached are photographs of the damaged structure.

Because the integrity of the bridge has been significantly damaged because of the collision and is now only half intact, we have determined that the bridge is no longer eligible for the National Register of Historic Places. We request your concurrence. The bridge has been well documented in the 2003 cultural resource report and in photographs taken of the damage caused to it by the collision.

If you have any questions, please contact me at 444-6258

Jon Axline, Historian
Environmental Services

cc: Mick Johnson, Great Falls District Administrator
Jean Riley, P.E., Engineering Section
Bonnie Steg, Resources Section

file MDT/2003



MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ www.montanahistoricalsociety.org ♦

September 26, 2003

RECEIVED

SEP 30 2003

ENVIRONMENTAL

JON AXLINE
MDT
2701 PROSPECT AVENUE
PO BOX 201001
HELENA MONTANA 59620 1001

RE: PLH-TCSP 1-6(44) 384, US 2 - Havre to Fort Belknap, Control No. 4951

Dear Jon,

Thank you for your response on this subject dated September 10, 2003. I see that I made a mistake on site 24BL1540 (Madras School). It is clearly not eligible. We continue to have some question about the other sites, which you mentioned in your letter. I look forward to meeting with you on October 30, 2003 at these sites to help clear up some of these questions. If the meeting date should change, please let me know.

If you have any questions about any points that I have made, you may call me at (406) 444-0388, or email jwarhank@state.mt.us.

Sincerely,

Josef J Warhank
Review & Compliance Officer

file: MDT/2003



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

file with history
COPY

**MASTER FILE
COPY**

September 10, 2003

Mark Baumler, Ph.D.
State Historic Preservation Office
1410 8th Avenue
P O Box 201202
Helena, MT 59620-1202

Subject: PLH-TCSP 1-6(44)384
US 2 - Havre to Fort Belknap
Control No. 4951

Attached is a letter from Blain Fandrich at Ethnoscience addressing your February 28, 2003 comments regarding historic properties on the above project. Based on Blain's comments, we continue to maintain that the Madras School (24BL140), East Chinook School (24BL1718), Bunkhouse (24BL1720), Chinook Depot (24BL1722), and farmstead (24BL1730) are not eligible for the National Register based on the reasons specified in the attached letter. Moreover, both 428 Indiana Street and 200 New York Street were not mentioned in the cultural resource report because they are not located in the proposed impact area of the project. If that situation changes, they will be evaluated and effects to them assessed. Finally, we do not agree that there is a Lohman rural/urban historic district, again, for the reasons specified in the letter. We request your concurrence.

We are currently developing a testing strategy for sites 24BL1712 and 24BL1713

If you have any questions, please contact me at 444-6258.

Jon Axline
Jon Axline, Historian
Environmental Services

cc: Mick Johnson, Great Falls District Administrator
Carl Peil, P.E., Preconstruction Bureau
Bonnie Steg, Resources Section

Date Recd Preconst 9-11-03				
Act	Info	MAIL ROUTE	Attach	Initial
	✓	30 Preconst Engr		
	✓	30 Assistant		
		30 Office Engr		
		31 Safety Mgmt.		
		32 Road Design		
		33 Environment		
		34 Hydraulics		
		35 Survey & Mapping		
		36 Traffic Eng		
	✓	39 Consultant Dsn.		
	✓	File		

Ethnoscience, Inc.

4140 King Avenue East
Billings, MT 59101
www.ethnoscience.com



Phone: (406) 252-7945
Fax: (406) 252-9483
E-mail: ethno@wtp.net

August 27, 2003

Jon Axline
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620

Dear Jon,

The following five sites (24BL1540, 24BL1718, 24BL1720, 24BL1722 and 24BL1730) were recommended not eligible for inclusion in the National Register of Historic Places by Ethnoscience, Inc., as described in the report entitled *Fort Belknap to Havre: A Cultural Resource Inventory Along US Highway 2* (Fandrich et al., 2003). This letter provides further information regarding the not eligible recommendations for these sites in reply to SHPO comments.

24BL1540 (Madras School) – This site was recommended not eligible because no substantive physical evidence of the school remains at the site. As noted in the inventory report, the schoolhouse was removed from the property, first to the town of Harlem and then to the town of Fort Belknap Agency. Hufstetler and McCormick (1997) also previously recommended the site as not eligible because “the site no longer retains either historical or architectural integrity due to the loss of the schoolhouse and coal shed buildings” and went on to state “the site does not meet criteria for National Register listing because it lacks integrity.” The site lacks integrity because all of the buildings have been removed.

24BL1718 (East Chinook School) – This site was recommended not eligible because the site has suffered a loss of integrity due to architectural modifications and deterioration caused by 30 years of neglect since the school was abandoned in 1972. The schoolhouse (Feature 1) was substantially modified at least twice because of additions and a window replacement during its active operation. Since abandonment of the school most of the windows of have been compromised, leaving the interior open to animal access and weather. The result is that the schoolhouse lacks integrity of design, materials and workmanship due to modifications and physical deterioration. The coal shed (Feature 2) has also suffered loss of integrity of design and materials due to deterioration caused by the removal of all doors and hatches. The corral (Feature 4) consists of a fence and has

no substantive architectural character. The removal of the school outhouse in the 1950s and the introduction of a non-related building (Feature 3, a house) onto the property in 1976 have compromised the integrity of setting and feeling of the site. Thus, overall the site has lost integrity of design, setting, materials, workmanship and feeling, rendering it difficult to convey its historic identity as a school (National Park Service [NPS] 1997:44-45).

24BL1720 (Bunkhouse) – This site was recommended not eligible because it has suffered a loss of integrity due to physical deterioration. The bunkhouse is in very poor condition, with one wall partially collapsed and the loss of all windows, resulting in a loss of integrity of design, materials, workmanship and feeling. The bunkhouse has also lost all interior integrity. The site is therefore unable to convey its historic identity as a migrant worker bunkhouse. Furthermore, in comparing related properties as per the National Register Bulletin guidelines (NPS 1997:9), better examples of migrant worker bunkhouses from the same period are present at 24BL1541, a site that is recommended eligible for inclusion in the NRHP in part because of the bunkhouses. The bunkhouses at site 24BL1541 are in far better physical condition and have a more extensive historical context than the bunkhouse at site 24BL1720.

24BL1722 (Chinook Railroad Depot) – This site was recommended not eligible because it lacks historical association, has a common architectural style, and because there is evidence to suggest the depot (Feature 1) may be of modern construction. This is the third railroad depot located at Chinook. Despite its relatively recent construction, however, this is the least documented of the depots. The Blaine County historical society and museum has information about the first two depots, but nothing about the current depot. The Burlington Northern Santa Fe railroad, which owns the depot, has no information about the depot. There are conflicting stories concerning when the depot was constructed, ranging from 1945 to 1958. It is known that the depot was in existence by March 19, 1958 only because it appears in the foreground of a photo of the Chinook elevator fire (Chinook Centennial 89s 1989:75). The date of circa 1948 to 1954 was included in the report as probable date of construction, but that is only a general estimate. The depot operated only during the waning days of rail passenger service and was eventually abandoned as a passenger and freight stop. Thus, because of its recent origin, the depot has a very limited and unremarkable association with the history of Chinook and the Great Northern Railway. The depot is in excellent condition, but of unexceptional ranch style architecture. The other standing building at the site is a warehouse (Feature 4) that also has no significant historic association or architectural character.

24BL1730 (Farmstead) – This site was recommended not eligible because it has lost integrity and because some of the features were moved onto the site within the past 30 years. As noted in the site description, the house (Feature 1) was moved onto the property in 1977, after the original house burned. The shop (Feature 2) was moved onto the property in 1974. Both of these buildings have lost integrity of design, materials, feeling and association and do not meet the eligibility requirements of National Register Criteria Consideration B: Moved Properties (NPS 1997:29). There is no evidence

suggesting that the remaining buildings have historic associations with important events or people in the Chinook area, nor do any of the buildings have distinctive architectural style. The introduction of moved buildings has also compromised the historic setting of the site.

Sites located at 428 Indiana Street and 200 New York Street were not mentioned in the report because they are not located within the project area.

The town of Lohman, which reached its pinnacle of activity in 1916, is recommended not eligible as a potential historic district because it lacks integrity of design, setting, materials and feeling. The National Register Bulletin (NPS 1997:5) states, "the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole." Sites 24BL1120, 24BL1121, 24BL1258 and 24BL1259 have all lost much of their physical integrity of design and materials, as noted by Dau and Brumley (1989), Ashley (1992) and Fandrich et al (2003). The integrity of setting and feeling are compromised because the former railroad buildings at site 24BL1121 were moved and modified and because sites 24BL1258 and 24BL1259 were constructed or completed circa 1945-1950 and were only in operation for about ten years. Furthermore, none of the buildings at sites 24BL1120, 24BL1121, 24BL1258 and 24BL1259 are not recommended individually significant within the context of Criterion A, B, C or D. The area of Lohman located north of the railroad tracks was the center of activity during the town's peak in 1916, but has lost much of its integrity due to the deterioration or removal of historic buildings. Thus, many of the buildings have lost individual integrity, as has the town of Lohman as a whole. The question of a potential historic district in Lohman was not addressed in the report because the four sites within the project area are recommended individually not eligible due in part to loss of integrity and because most of the remaining buildings located outside of the project area also appear to have lost integrity.

Sites 24BL1712 and 24BL1713 need further investigation to exclude possible modern or recent historic origin of the sites. It is possible that the depression feature at 24BL1712 is deflation caused by livestock activity around the post. It is also possible that the depressions at site 24BL1713 may be the result of gravel testing. If these sites are of relatively recent origin, then it is highly unlikely that testing would be necessary to make an NRHP eligibility recommendation under Criterion D. Further contact with local residents should help clarify the character of these sites.

Please call me if you have any questions or require further information about these sites.

Sincerely,

Blain Fandrich
Historian



MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
♦ (406) 444-2694 ♦ **RECEIVED** ♦ www.montanahistoricalsociety.org ♦

February 28, 2003

MAR 07 2003

FILE COPY

JON AXLINE
MDT
2701 PROSPECT AVENUE
PO BOX 201001
HELENA MONTANA 59620 1001

ENVIRONMENTAL

RE: PLH - TCSP 1-6(44)384 US 2 - Havre to Fort Belknap EIS Control No. 4951

Dear Jon,

Those sites, which you have determined will be handled under the Problematic Agreement, are: 24HL1128, 24BL1537, and 24BL1573. Sites, which we have a CD that they are Eligible for the Register are: 24HL0942, 24HL1133, 24BL0838, 24BL0981, 24BL1050, 24BL1146, 24BL1248, 24BL1251, 24BL1254, 24BL1351, 24BL1541, 24BL1542, 24BL1543, and 24BL1574.

Sites, which you currently determined Eligible and we concur, are: 24BL1731, 24BL1734, 24BL1725, 24BL1726, 24BL1728, and 24BL1729. Sites, which we concur, will remain unresolved for the time being are: 24BL1575, 24BL1576, 24BL1712, and 24BL1713.

The vast majority of the sites which you have determined Not Eligible, we concur in your finding. They are: 24BL0156, 24BL0909, 24BL0929 - 24BL0937, 24BL0952 - 24BL0958, 24BL1122, 24BL1247, 24BL1249 - 24BL1250, 24BL1252 - 24BL1253, 24BL1257, 24BL1260, 24BL1570, 24BL1577, 24BL1708 - 24BL1711, 24BL1714 - 24BL1717, 24BL1719, 24BL1721, 24BL1723 - 24BL1724, 24BL1727, 24BL1732 - 24BL1733, and 24BL1735 - 24BL1740.

We think that we may have a rural/urban district at the town of Lohman. Sites 24BL1120, 24BL1121, 24BL1258, and 24BL1259 would all contribute to this district. We cannot disregard what remains of the few small towns in Montana, which have really taken a beating in the last several decades.

We think that the Madras School, site 24BL1540 retains enough integrity to be considered Eligible so do not concur with the report. It is the same story with the East Chinook School, site 24BL1718. We did not see enough contextual work done on sites 24BL1720, and 24BL1730 both of which lacked any listed sources. The Chinook Depot complex of buildings appeared to have some buildings with diminished integrity, but others appeared to retain enough so we are also unsure of its eligibility, so all these sites mentioned in this paragraph will remain unresolved.



RE: PLH - TCSP 1-6(44)384 US 2 - Havre to Fort Belknap EIS Control No. 4951 (February 28, 2003)

We are not sure why the sites located at 428 Indiana Street and 200 New York Street in Chinook were not mentioned in this report since Ashley mentioned them in his 1992 Roadside Architecture Survey.


With regard to the proposal to leave the eligibility of the 3 prehistoric sites, and 24BL1712 which may be a prehistoric site, unresolved pending possible future testing, we have the following observation. Consistent with the §800 regulations we believe that an eligibility determination should be made before planning proceeds to the point that options, possibly including avoidance, are foreclosed.

We recommend that subsurface testing be carried out as soon as preliminary plans are available in the event those plans include possible impacts to these sites. Following §800.8, possible adverse effects to historic properties should be identified, evaluated and any mitigation commitments agreed upon during development of the EIS. Therefore testing and evaluation should take place during the development of and evaluation of alternatives rather than after a preferred alternative is identified when possibilities to avoid or minimize adverse effects by redesign may have been forfeited.

Certainly commitments to avoid, minimize or mitigate adverse effects to historic properties should be worked out prior to the issuance of a ROD so that those commitments can be included in the decision document. In short then we can agree at this time to delaying testing and evaluation of 24BL1712 and 24BL1713 but we do recommend that testing proceed as soon as possible if early preliminary planning indicates the possibility of impacts. Given the curious nature of 24BL1712 and 24BL1713 we would appreciate a chance to comment on any testing strategy proposed.

If you have any questions about any points that I have made, you may call me at (406) 444-0388.

Sincerely,



Josef J Warnank
Review & Compliance Officer

file: MDT/2003



MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ www.montanahistoricalsociety.org ♦

MASTER FILE
COPY

December 6, 2002

Jean A. Riley, P.E.
Engineering Section Supervisor
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620-1001

Re: US 2 Havre to Fort Belknap EIS

Dear Jean:

I received a call today - I believe from a representative of the consulting engineers for the above-cited project - asking about our status as a "Cooperating Agency" with reference to your letter to us dated September 17, 2002. In looking into the matter I determined that we neglected to formally respond to your request in writing.

Via email, however, I did discuss this matter with Jon Axline, MDT Historian, on September 19 and 23. In that communication I agreed with Jon that the role of this office in consultation with MDT under the Section 106 process of the National Historic Preservation Act would seem adequate for our involvement in this project - if not also preferable as it would be through existing established procedures for our response to findings and determinations initiated and made by MDT. As such, it does not appear necessary for us to be further defined as a "Cooperating Agency" for the purposes of your development of an Environmental Impact Statement.

Thank you for your original letter and request. I apologize if our lack of letter response has resulted in any confusion regarding our participation in the consideration of impacts to cultural resources from this proposed undertaking.

Sincerely,

Mark F. Baumlert, Ph.D.
State Historic Preservation Officer

File: MDT/US 2 Havre to Fort Belknap

Ethnoscience, Inc.



4140 King Avenue East
Billings, MT 59101
www.ethnoscience.com

Phone: (406) 252-7945
Fax: (406) 252-9483
E-mail: ethno@wtp.net

October 21, 2002

Patrick Chief Stick, SR
Cultural Representative
Rocky Boy Tribe
RT 1, Box 544
Box Elder, MT 59521

Dear Mr. Chief Stick:

Ethnoscience, Inc. has been hired by the Montana Department of Transportation to conduct a cultural resource survey of US Highway 2 from Havre to Fort Belknap (see enclosed map).

If you have concerns regarding this project or would like to participate in the project, please let us know.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Lynelle Peterson'. The signature is fluid and cursive, with a large initial 'L' and 'P'.

Lynelle Peterson
Ethnoscience, Inc.

Enc.

Cc Alvin Windy Boy, SR., Tribal Chairman

Ethnoscience, Inc.



4140 King Avenue East
Billings, MT 59101
www.ethnoscience.com

Phone: (406) 252-7945
Fax: (406) 252-9483
E-mail: ethno@wtp.net

October 21, 2002

John Allen
Fort Belknap Assiniboiné
Cultural Representative
RR 1, Box 66
Harlem, MT 59526

Dear Mr. Allen,

Ethnoscience, Inc. has been hired by the Montana Department of Transportation to conduct a cultural resource survey of US Highway 2 from Havre to Fort Belknap (see enclosed map).

If you have concerns regarding this project or would like to participate in the project, please let us know.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Lynelle Peterson'. The signature is fluid and cursive, with a large loop at the end.

Lynelle Peterson
Ethnoscience, Inc.

Enc.

Cc Joseph McConnell, Tribal Chairman

Ethnoscience, Inc.

4140 King Avenue East
Billings, MT 59101
www.ethnoscience.com



Phone: (406) 252-7945

Fax: (406) 252-9483

E-mail: ethno@wtp.net

October 21, 2002

Curley Youpee
Cultural Resource Director
Fort Peck Tribes
PO Box 1027
Poplar, MT 59255

Dear Mr. Youpee:

Ethnoscience, Inc. has been hired by the Montana Department of Transportation to conduct a cultural resource survey of US Highway 2 from Havre to Fort Belknap (see enclosed map).

If you have concerns regarding this project or would like to participate in the project, please let us know.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Lynelle Peterson'. The signature is fluid and cursive, with a large, sweeping initial 'L'.

Lynelle Peterson
Ethnoscience, Inc.

Enc.

Cc Arlyn Headdress, Tribal Chairman

Ethnoscience, Inc.



4140 King Avenue East
Billings, MT 59101
www.ethnoscience.com

Phone: (406) 252-7945
Fax: (406) 252-9483
E-mail: ethno@wtp.net

October 21, 2002

Kathleen Brewer
Blackfoot Cultural Representative
PO Box 850
Browning, MT 59417

Dear Kathleen Brewer:

Ethnoscience, Inc. has been hired by the Montana Department of Transportation to conduct a cultural resource survey of US Highway 2 from Havre to Fort Belknap (see enclosed map).

If you have concerns regarding this project or would like to participate in the project, please let us know.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lynelle Peterson'. The signature is fluid and cursive, with a large loop at the end.

Lynelle Peterson
Ethnoscience, Inc.

Cc William Talks About

Enc.

Ethnoscience, Inc.

4140 King Avenue East
Billings, MT 59101
www.ethnoscience.com



Phone: (406) 252-7945
Fax: (406) 252-9483
E-mail: ethno@wtp.net

October 21, 2002

Morris Belgarde
Cultural Representative
Fort Belknap Gros Ventre
Fort Belknap Community Council
RR 1, Box 66
Harlem, MT 59526

Dear Mr. Belgarde:

Ethnoscience, Inc. has been hired by the Montana Department of Transportation to conduct a cultural resource survey of US Highway 2 from Havre to Fort Belknap (see enclosed map).

If you have concerns regarding this project or would like to participate in the project, please let us know.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Lynelle Peterson'. The signature is fluid and cursive, with a large loop at the end.

Lynelle Peterson
Ethnoscience, Inc.

Enc.

Cc Joseph McConnell, Tribal Chairman

Ethnoscience, Inc.

4140 King Avenue East
Billings, MT 59101
www.ethnoscience.com

Phone: (406) 252-7945
Fax: (406) 252-9483
E-mail: ethno@wtp.net

October 28, 2002

Patrick Chief Stick, SR
Cultural Representative
Rocky Boy Tribe
RT 1, Box 544
Box Elder, MT 59521

Dear Mr. Chief Stick

I am writing to you regarding the concerns that you expressed to Tamera Parkins on Friday, October 25, 2002. Ethnoscience has been given a very short time to complete this project. Due to concerns regarding the weather, we sent a crew to complete a survey of this project (300 ft on each side of the existing US Highway 2 from East of Havre to East of Fort Belknap) last week. Our contact person for the survey on Ft. Belknap was John Healy, and Morris Belgard accompanied our employees during this portion of the survey. Although a number of historic sites were identified, no prehistoric sites were found.

There is money available in our budget to show you or your representative the project area and to record any areas of concern that you may have. I will be happy to arrange a meeting with you at your earliest convenience.

If you have any questions or concerns, please call me at 406-252-7945.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Lynelle Peterson', is written over a light blue horizontal line. The signature is fluid and cursive.

Lynelle Peterson
Ethnoscience, Inc.

Cc Alvin Windy Boy, SR., Tribal Chairman

Ethnoscience, Inc.

4140 King Avenue East
Billings, MT 59101
www.ethnoscience.com



Phone: (406) 252-7945
Fax: (406) 252-9483
E-mail: ethno@wtp.net

December 10, 2002

Patrick Chief Stick, Sr.
Cultural Representative
Rocky Boy Tribe
RR 1, Box 544
Box Elder, MT 59521

Dear Patrick,

You requested to visit the US Highway 2 project area between Havre and Fort Belknap. This letter is to let you know that I will be returning to the Havre area from December 16 to December 20, 2002, and will be available to show you the area and any of the sites identified along US Highway 2 that you wish to visit. Please call me collect at (406) 252-7945 and let me know what day is most convenient for you. I will then plan my schedule accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Blain Fandrich'. The signature is fluid and cursive, with the first and last names being more prominent.

Blain Fandrich
Historian



June 2004

APPENDIX G – Noise

Table 6-1: Noise-Sensitive Receptors and Predicted Traffic Noise Levels Per Alternative

Receptor	Nearest Reference Post / Town / Description of Receptor	Distance to Existing US 2 Centerline (meters)	Distance to Build Alternative Centerline (meters)	No Build Leq(h) in 2002 (dBA)	No Build Leq(h) in 2027 (dBA)	Improved Two-Lane Leq(h) in 2027 (dBA)	Imp. Two-Lane w/ Passing Lanes Leq(h) in 2027 (dBA)	Four-Lane Undivided Leq(h) in 2027 (dBA)	Four-Lane Divided Leq(h) in 2027 (dBA)
RP384 - Havre									
HV:R1	Single-family residence south of US 2	41	38	61	62	62	62	63	63
HV:R2	Single-family residence south of US 2	46	44	59	60	62	62	61	61
HV:R3	Represents 3 single-family residences south of US 2	90	87	52	53	56	56	56	56
HV:R4	Single-family residence south of US 2	49	47	57	58	62	62	62	62
HV:R5	Single-family residence north of US 2	32	35	60	61	62	62	62	62
HV:R6	Single-family residence south of US 2	36	34	60	61	64	64	63	63
HV:MH1	First-row mobile home residence north of US 2	78	80	53	55	56	56	56	56
HV:MH2	First-row mobile home residence north of US 2	75	77	54	55	56	56	56	56
HV:MH3	First-row mobile home residence north of US 2	52	54	57	58	59	59	60	60
HV:MH4	First-row mobile home residence north of US 2	32	34	60	61	62	62	64	64
HV:MH5	Represents 2 first-row mobile home residences north of US 2	30	31	60	62	64	64	64	64
HV:MH6	Represents 2 first-row mobile home residences north of US 2	35	37	60	61	63	63	64	64
HV:R7	Single-family residence south of US 2	44	43	60	61	61	61	61	61
HV:R8	Single-family residence north of US 2	36	37	60	61	63	63	64	64
HV:M1	Circle Inn Motel north of US 2	26	28	62	63	64	64	65	65
HV:R9	Single-family residence north of US 2	38	39	59	60	61	61	62	62
HV:R10	Single-family residence north of US 2	45	47	59	60	60	60	62	62
HV:R11	Single-family residence north of US 2	38	42	60	61	63	63	63	63
HV:R12	Single-family residence north of US 2	40	45	62	63	62	62	62	62
RP385 - Havre									
HV:R13	Single-family residence north of US 2	66	86	56	57	58	58	58	58
HV:R14	Single-family residence north of US 2	60	81	57	58	57	57	57	57
HV:R15	Single-family residence north of US 2	53	74	58	60	58	58	58	58
HV:R16	Represents 2 single-family residences north of US 2	109	130	52	53	52	52	53	53
RP386									
HV-L:R1	Single-family residence north of US 2	99	119	53	54	53	53	54	54
HV-L:R2	Single-family residence south of US 2	133	113	50	51	54	54	54	54
HV-L:R3	Single-family residence north of US 2	86	106	54	55	54	54	55	54
HV-L:R4	Single-family residence south of US 2	150	132	49	50	52	52	52	53
HV-L:R5	Single-family residence south of US 2	130	123	51	52	53	53	54	53
RP387									
HV-L:R6	Single-family residence north of US 2	71	79	55	56	57	57	57	57
HV-L:MH1	Mobile home residence south of US 2	72	64	55	56	58	58	59	59
HV-L:R7	Single-family residence north of US 2	69	78	55	56	57	57	58	57
HV-L:R8	Single-family residence south of US 2	38	29	61	62	67	67	67	66
HV-L:R9	Single-family residence north of US 2	45	53	60	61	60	60	61	60
HV-L:R10	Single-family residence north of US 2	75	83	55	56	56	56	57	57
HV-L:R11	Single-family residence north of US 2	67	75	56	57	57	57	57	58
RP388									
HV-L:R12	Single-family residence north of US 2	67	75	56	57	57	57	57	58
HV-L:R13	Single-family residence north of US 2	128	135	51	52	52	52	53	53
HV-L:R14	Single-family residence north of US 2	71	79	56	57	57	57	57	57
HV-L:R15	Single-family residence south of US 2	129	114	51	52	53	53	54	54
RP389									
HV-L:R16	Single-family residence south of US 2	77	68	55	56	58	58	58	58
RP390									
HV-L:MH2	Mobile home residence south of US 2	55	46	58	59	64	63	63	64
HV-L:MH3	Mobile home residence south of US 2	83	74	54	55	57	57	58	58
HV-L:MH4	Mobile home residence south of US 2	113	104	52	53	54	55	55	55
HV-L:MH5	Mobile home residence south of US 2	132	123	51	52	53	53	54	54
HV-L:R17	Single-family residence south of US 2	148	139	50	51	52	52	52	52
RP391									
HV-L:R18	Single-family residence south of US 2	156	146	49	50	51	51	51	52
HV-L:R19	Single-family residence south of US 2	102	93	53	54	55	57	56	56
HV-L:R20	Single-family residence south of US 2	112	104	52	53	54	55	55	55
HV-L:CG1	Havre Family Campground south of US 2	57	49	58	59	61	62	62	61
HV-L:R21	Single-family residence north of US 2	81	90	55	56	56	56	57	56
RP392									
HV-L:R22	Single-family residence south of US 2	57	49	58	59	61	62	62	61

Table 6-1: Noise-Sensitive Receptors and Predicted Traffic Noise Levels Per Alternative

Receptor	Nearest Reference Post / Town / Description of Receptor	Distance to Existing US 2 Centerline (meters)	Distance to Build Alternative Centerline (meters)	No Build Leq(h) in 2002 (dBA)	No Build Leq(h) in 2027 (dBA)	Improved Two-Lane Leq(h) in 2027 (dBA)	Imp. Two-Lane w/ Passing Lanes Leq(h) in 2027 (dBA)	Four-Lane Undivided Leq(h) in 2027 (dBA)	Four-Lane Divided Leq(h) in 2027 (dBA)
RP393									
HV-L:R23	Single-family residence south of US 2	75	48	55	56	61	61	62	62
HV-L:R24	Single-family residence south of US 2	123	94	51	52	55	55	57	56
RP395 - Lohman									
L:R1	Represents 2 single-family residences north of US 2	145	156	50	51	51	51	51	52
L:R2	Single-family residence north of US 2	95	106	53	54	54	54	55	54
L:R3	Single-family residence south of US 2	103	92	53	54	55	55	57	56
L:R4	Single-family residence south of US 2	39	28	62	63	65	65	<u>66</u>	<u>67</u>
RP396									
L:R5	Single-family residence south of US 2	142	131	50	51	52	53	54	53
L:R6	Single-family residence south of US 2	110	99	52	53	55	55	55	55
RP398									
L-CH:R1	Single-family residence south of US 2	95	86	53	54	56	56	58	56
L-CH:R2	Single-family residence south of US 2	66	58	56	57	59	59	60	59
RP400									
L-CH:R3	Single-family residence north of US 2	129	148	51	52	51	51	51	52
RP401									
L-CH:R4	Single-family residence south of US 2	66	47	56	57	64	64	63	62
L-CH:R5	Single-family residence north of US 2	94	113	53	54	54	54	54	54
RP403 - Chinook									
CH:R1	Single-family residence south of US 2	71	54	54	55	57	57	58	59
CH:NH1	Sweet Memorial Nursing Home south of US2	40	23	61	62	64	64	64	65
CH:R2	Single-family residence north of US 2	96	108/108/109/113 ^b	52	53	52	52	54	52
CH:R3	Single-family residence south of US 2	59	55/55/51/38 ^b	54	55	56	56	56	60
CH:M1	Bear Paw Court Motel south of US 2	44	41/41/36/23 ^b	58	59	58	58	59	63
CH2:M1	2nd row receptor south of US 2: Bear Paw Court Motel on 2nd St.	113	112/112/108/95 ^b	47	48	48	48	48	51
CH:R4	Single-family residence north of US 2	122	123/123/127/139 ^b	49	50	50	50	50	50
CH:R5	Single-family residence north of US 2	132	139/134/138/150 ^b	48	49	49	49	49	49
CH:R6	Represents 4 single-family residences north of US 2	119	120/120/124/141 ^b	48	49	49	49	49	48
CH:M2	Chinook Motor Inn south of US 2	33	32/32/27/8 ^b	56	57	58	58	60	NA
CH2: P1	2nd row receptor south of US 2: Park at corner of 2nd St. & Indiana	124	123/123/119/100 ^b	43	44	44	44	44	50
CH:C1	Alliance Church south of US 2	43	42/42/38/19 ^b	57	58	57	57	58	62
CH:P1	Chinook North Side City Park north of US 2	56	57/57/61/80 ^b	53	54	54	54	54	52
CH:R7	Represents 5 single-family residences north of US 2	116	117/117/121/140 ^b	48	49	49	49	49	48
CH2:R1	2nd row single family residence south of US 2 at NW corner of 2nd St. & Illinois	86	85/85/80/62 ^b	48	49	49	49	51	53
CH2:R2	2nd row single family residence south of US 2 on Illinois midway between US 2 and 2nd St.	61	60/60/55/37 ^b	50	51	52	52	54	57
RP404									
CH:R8	Single-family residence north of US 2	88	89/89/93/112 ^b	51	52	52	53	52	51
CH:R9	Single-family residence north of US 2	94	117	51	52	50	50	51	51
RP405									
CH-Z:R1	Single-family residence south of US 2	173	150	47	50	52	52	52	53
CH-Z:R2	Single-family residence south of US 2	171	149	48	50	52	52	53	53
RP406									
CH-Z:R3	Single-family residence north of US 2	110	132	52	54	53	53	53	54
CH-Z:R4	Single-family residence south of US 2	56	33	57	59	<u>67</u>	<u>67</u>	<u>68</u>	<u>66</u>
RP407									
CH-Z:R5	Single-family residence south of US 2	75	54	55	57	61	61	61	63
CH-Z:R6	Single-family residence north of US 2	94	116	53	55	54	54	54	55
RP412									
Z:R1	Single-family residence south of US 2	28	20	63	65	<u>68</u>	<u>69</u>	<u>69</u>	<u>71</u>
Z:R2	Single-family residence north of US 2	104	113	52	54	54	54	56	55
RP413 - Zurich									
Z:R3	Represents 3 single-family residences north of US 2	120	128	51	53	53	53	55	54
Z:R4	Single-family residence south of US 2	78	69	55	57	59	59	59	59
RP420									
Z-HM:R1	Single-family residence north of US 2	102	110	52	54	54	54	54	55

Table 6-1: Noise-Sensitive Receptors and Predicted Traffic Noise Levels Per Alternative

Receptor	Nearest Reference Post / Town / Description of Receptor	Distance to Existing US 2 Centerline (meters)	Distance to Build Alternative Centerline (meters)	No Build Leq(h) in 2002 (dBA)	No Build Leq(h) in 2027 (dBA)	Improved Two-Lane Leq(h) in 2027 (dBA)	Imp. Two-Lane w/ Passing Lanes Leq(h) in 2027 (dBA)	Four-Lane Undivided Leq(h) in 2027 (dBA)	Four-Lane Divided Leq(h) in 2027 (dBA)
RP421									
Z-HM:R2	Single-family residence north of US 2	150	165	49	51	51	51	51	53
Z-HM:R3	Single-family residence south of US 2	33	21	62	65	68	69	69	70
RP422									
Z-HM:R4	Single-family residence south of US 2	44	34	62	65	64	65	67	66
RP423									
Z-HM:R5	Single-family residence south of US 2	44	36	62	64	67	66	66	66
RP424 - Harlem									
HM:R1	Single-family residence north of US 2	150	156	49	51	53	53	53	53
HM:R2	Single-family residence south of US 2	53	47	58	60	63	63	65	65
HM:R3	First-row single-family residence north of US 2	109	117	52	54	56	56	56	56
HM:R4	First-row single-family residence north of US 2	137	145	50	52	53	53	54	54
HM:R5	First-row single-family residence north of US 2	91	100	53	55	58	58	58	58
HM:R6	First-row single-family residence north of US 2	66	74	56	58	58	58	59	59
HM:R7	First-row single-family residence north of US 2	74	82	55	57	58	58	58	58
HM:R8	First-row single-family residence north of US 2	85	94	54	56	59	59	58	58
HM:R9	First-row single-family residence north of US 2	107	116	52	54	56	56	56	56
HM:R10	First-row single-family residence north of US 2	138	147	50	52	54	54	54	54
HM:M1	McGuire's Motel north of US 2	19	29	66	68	68	68	68	68
RP425 - Harlem									
HM:P1	Centennial Park north of US 2	44	54	63	65	63	63	63	63
HM:R11	Single-family residence north of US 2	41	51	63	65	63	63	64	64
HM:R12	Single-family residence south of US 2	42	39	61	63	64	64	65	65
HM:R13	Single-family residence north of US 2	25	25	64	66	68	68	70	69
RP428 - Ft. Belknap									
FB:P1	Tribal information park and rest area south of US 2	95	95	53	55	58	58	58	58
FB:RV1	RV Park south of US 2	98	98	53	55	58	58	57	57
Number of receptors where noise levels meet or exceed impact criteria:				1	2	7	7	9	9
Number of receptors possibly relocated due to right-of-way acquisition and/or roadway construction:				0	0	5	5	5	6
Total impacted receptors (minus relocated receptors):				1	2	2	2	4	3

Receptor Key:

C	Church	M	Motel/hotel
CG	Campground	MH	Mobile home
CH	Chinook	NH	Nursing home
CH2	Chinook 2nd row receptors	P	Park
FB	Fort Belknap	R	Residence
HM	Harlem	RV	RV park
HV	Havre	Z	Zurich
L	Lohman		

Table Notes:

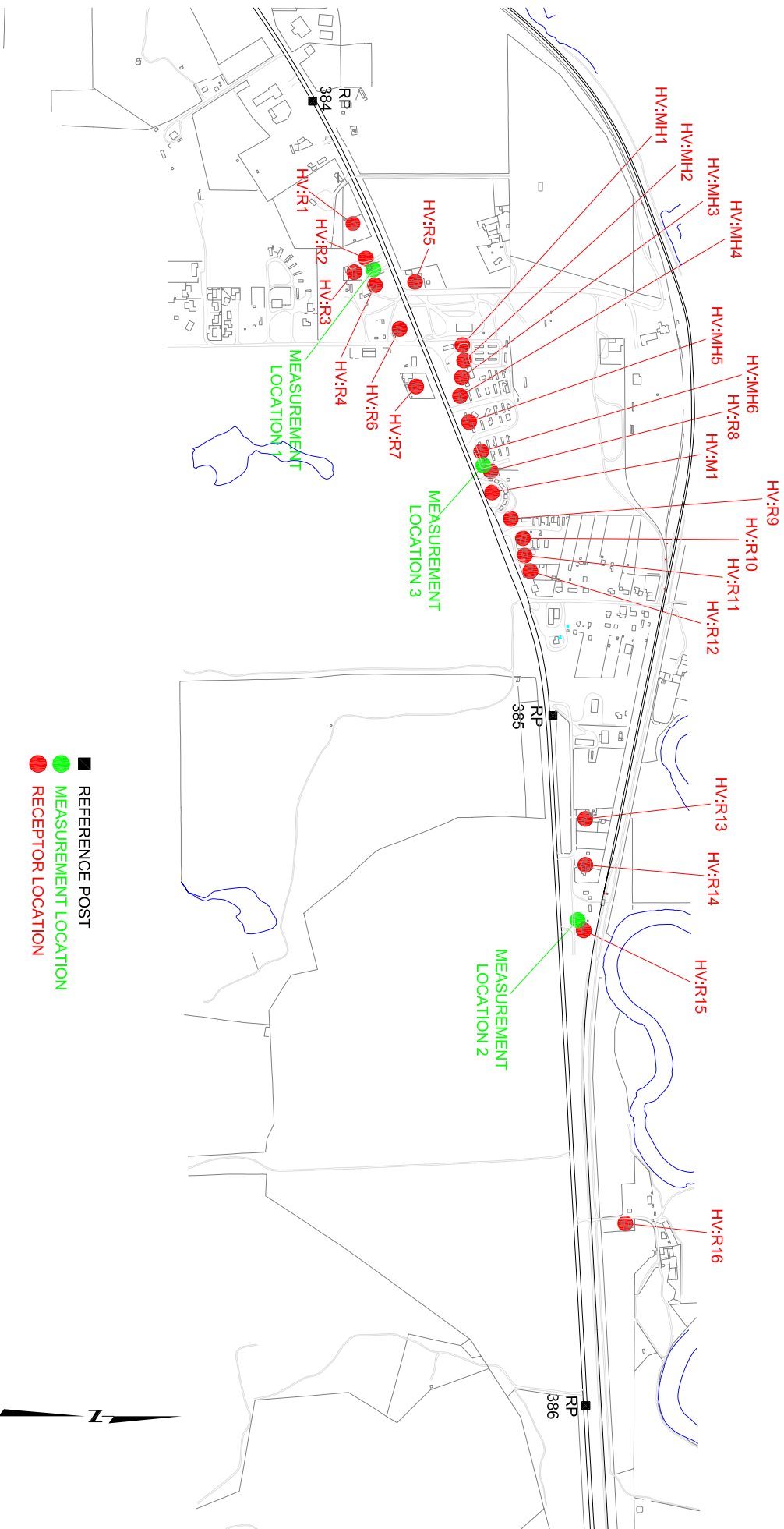
Likely relocation of receptor due to physical impacts of roadway construction.

Possible relocation of receptor due to right-of-way acquisition.

XX Predicted traffic noise level meets or exceeds the noise impact criteria (66 dBA).

^a Unless indicated, distance of the receptor to the highway centerline does not vary between the four Build Alternatives.

^b Distance of receptor varies to centerlines of four Build Alternatives: Improved Two-Lane / Improved Two-Lane with Passing Lanes / Four-Lane Undivided / Four-Lane Divided



Big Sky Acoustics, LLC

P.O. Box 27, Helena, MT 59624

T: (406) 457-0407

F: (406) 449-3553

www.bigskyacoustics.com

RECEPTOR AND MEASUREMENT LOCATIONS: HAVRE

US 2 - Havre to Fort Belknap Traffic Noise Study

Project No. 02150

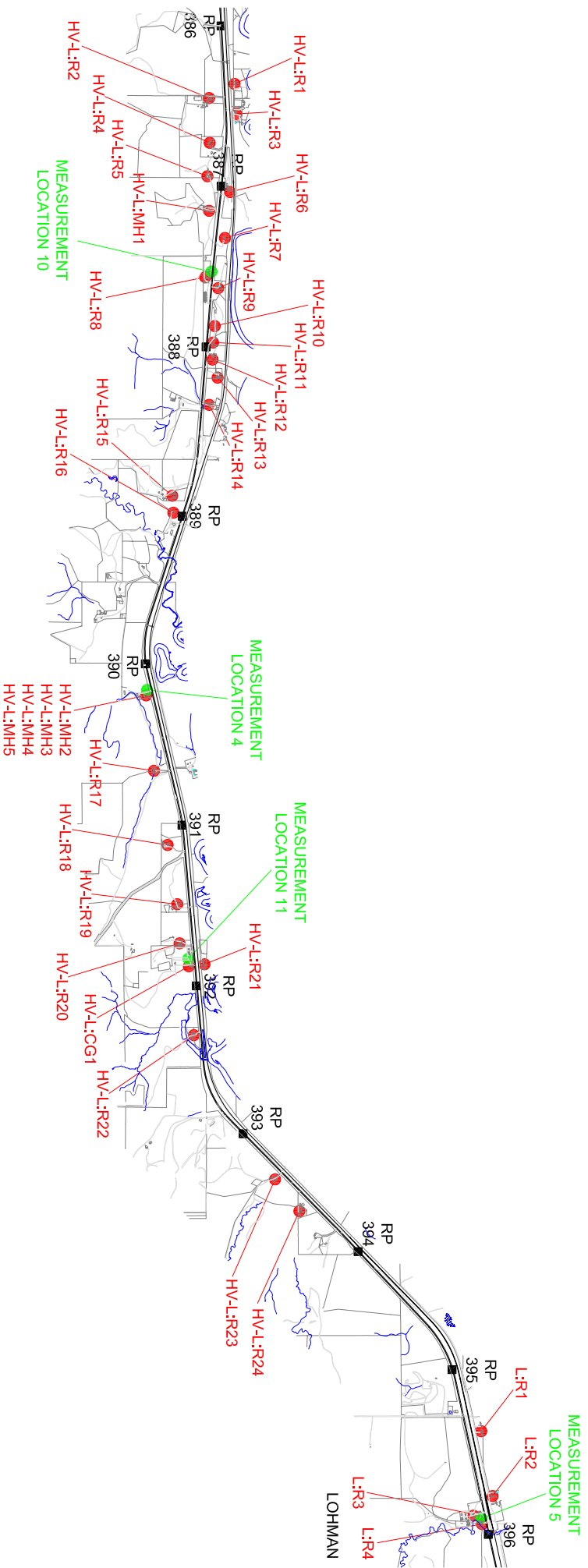
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Date: 7/11/03

Drawn by: SMC

FIGURE

1



Big Sky Acoustics, LLC

P.O. Box 27, Helena, MT 59624

T: (406) 457-0407

F: (406) 449-3553

www.bigskyacoustics.com

RECEPTOR AND MEASUREMENT LOCATIONS: HAVRE TO LOHMAN

US 2 - Havre to Fort Belknap Traffic Noise Study

Project No. 02150

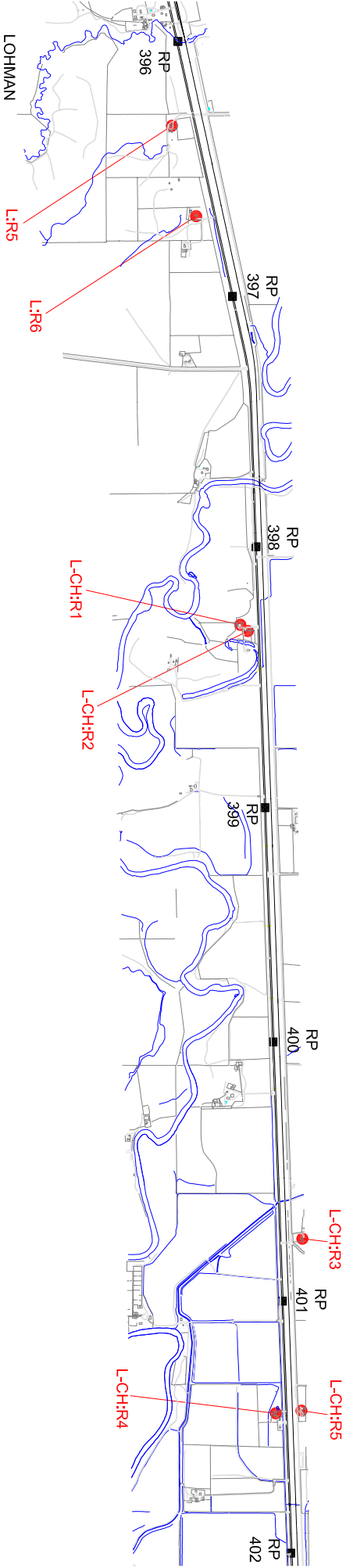
Scale: not-to-scale

Date: 7/11/03

Drawn by: SMC

FIGURE

2



- REFERENCE POST
- MEASUREMENT LOCATION
- RECEPTOR LOCATION



Big Sky Acoustics, LLC

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RECEPTOR LOCATIONS: LOHMAN to CHINOOK

US 2 - Havre to Fort Belknap Traffic Noise Study

Project No. 02150

Scale: not-to-scale

Date: 7/11/03

Drawn by: SMC

FIGURE

3



- REFERENCE POST
- MEASUREMENT LOCATION
- RECEPTOR LOCATION

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F: (406) 449-3553

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RECEPTOR AND MEASUREMENT LOCATIONS: CHINOOK

US 2 - Havre to Fort Belknap Traffic Noise Study

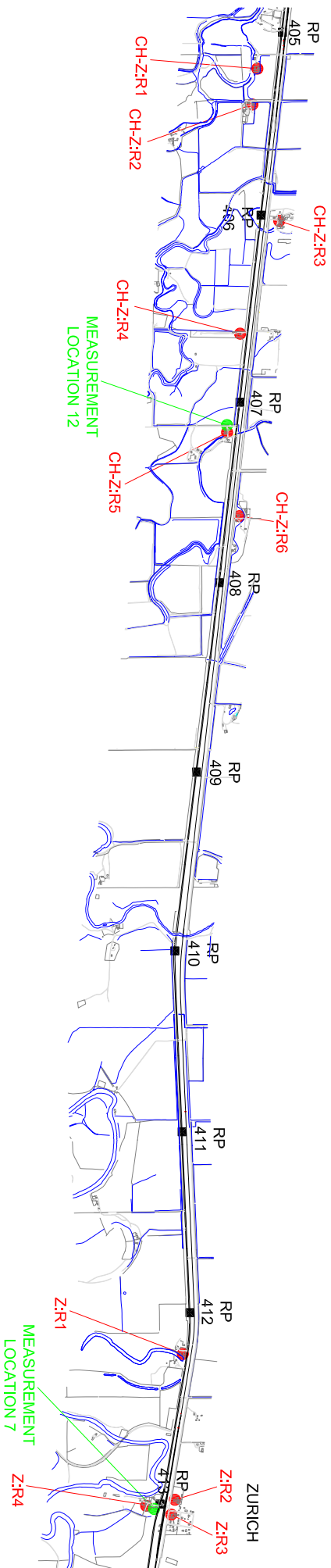
Project No. 02150

Scale: not-to-scale

Date: 7/11/03 Drawn by: SMC

FIGURE

4



- REFERENCE POST
- MEASUREMENT LOCATION
- RECEPTOR LOCATION



Big Sky Acoustics, LLC

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RECEPTOR AND MEASUREMENT LOCATIONS: CHINOOK to ZURICH

US 2 - Havre to Fort Belknap Traffic Noise Study

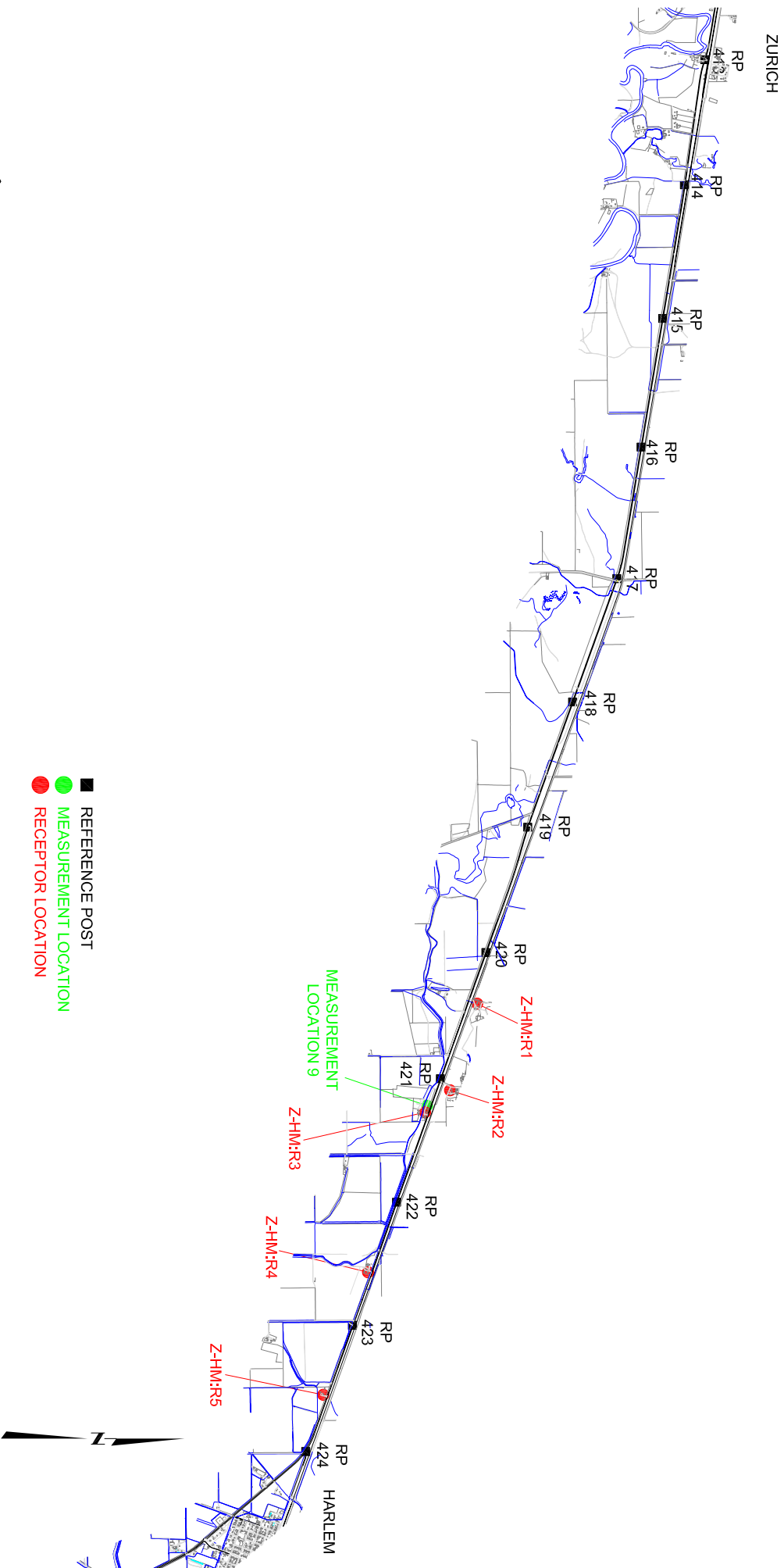
Project No. 02150

Scale: not-to-scale

Date: 7/11/03 Drawn by: SMC

FIGURE

5



Big Sky Acoustics, LLC

P.O. Box 27, Helena, MT 59624

T: (406) 457-0407

F: (406) 449-3553

www.bigskyacoustics.com

RECEPTOR AND MEASUREMENT LOCATIONS: ZURICH to HARLEM

US 2 - Havre to Fort Belknap Traffic Noise Study

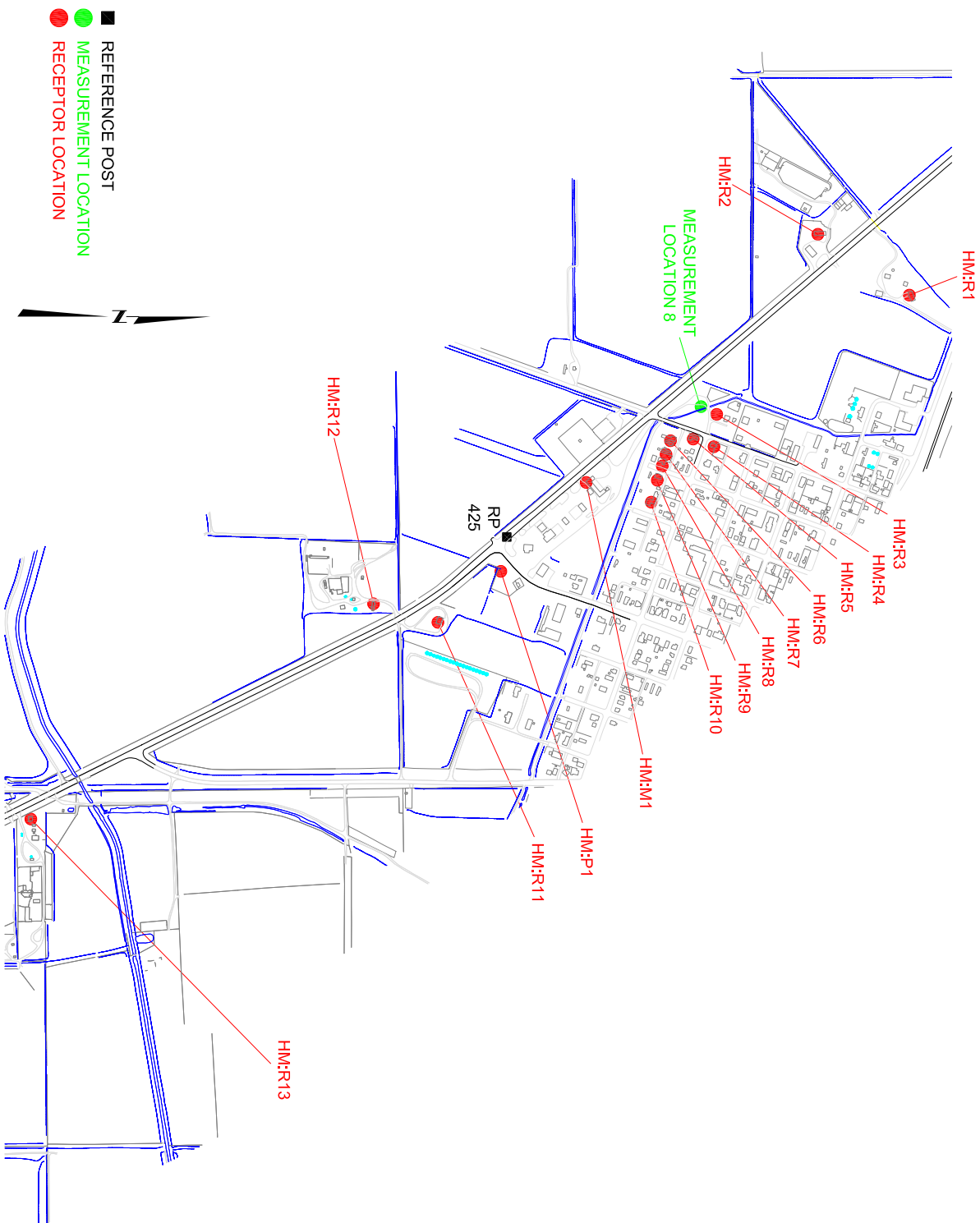
Project No. 02150

Scale: not-to-scale

Date: 7/11/03 Drawn by: SMC

FIGURE

6



Big Sky Acoustics, LLC

P.O. Box 27, Helena, MT 59624

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www.bigskyacoustics.com

RECEPTOR AND MEASUREMENT LOCATIONS: HARLEM

US 2 - Havre to Fort Belknap Traffic Noise Study

Project No. 02150

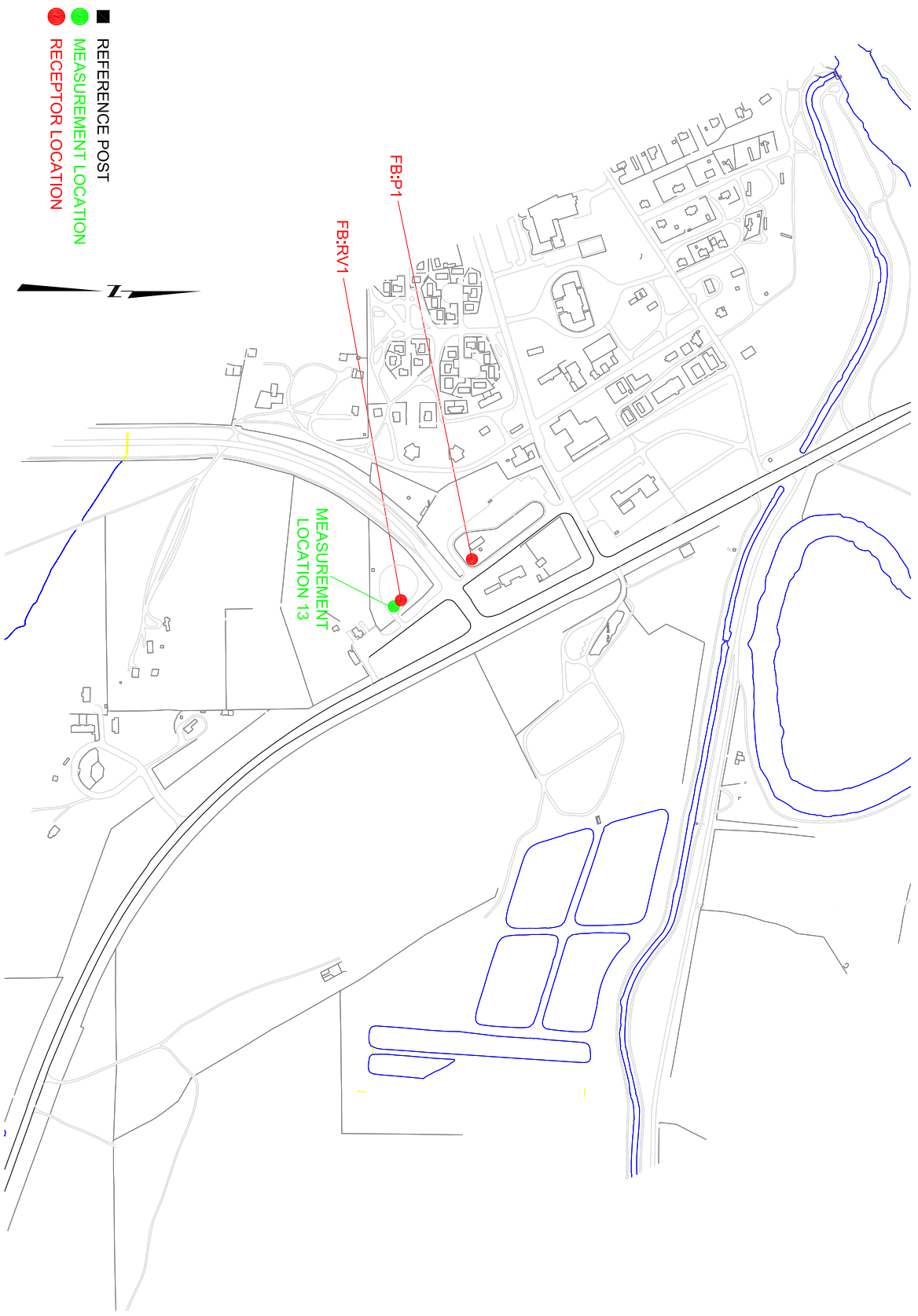
Scale: not-to-scale

Date: 7/11/03

Drawn by: SMC

FIGURE

7



Big Sky Acoustics, LLC

P.O. Box 27, Helena, MT 59624

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RECEPTOR AND MEASUREMENT LOCATIONS: FORT BELKNAP

US 2 - Havre to Fort Belknap Traffic Noise Study

Project No. 02150

Scale: not-to-scale

Date: 7/11/03

Drawn by: SMC

FIGURE

8



June 2004

APPENDIX H – Wetland Impacts Tables



June 2004

Table H-1. Jurisdictional Wetland Impacts

Wetland Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
B	383.6	Parallel north	0.5 ha (1.3 ac)	0	0	0	0	0	Avoided	Project alignment located south of wetland.
A	383.7	Parallel north	1.1 ha (2.8 ac)	0	0	0	0	0	Avoided	Project alignment located south of wetland.
C Little Box Elder Cr.	389.1	Perpendicular, mostly south	1.4 ha (3.4 ac)	0	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.1 ha (0.4 ac)	0.2 ha (0.5 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
D	389.4	Parallel north and Perpendicular	0.7 ha (1.7 ac)	0	0*	0*	0*	0*	Minimized impacts	Alignment shifted south to minimize wetland impacts and to maintain desirable distance between RR crossing and roadway for traffic safety.
E	390.2	Parallel north and Perpendicular	0.1ha (0.2 ac)	0	0*	0*	0*	0.04 ha (0.1 ac)	Minimized impacts	Alignment shifted south to minimize wetland impacts and to maintain desirable distance between RR crossing and roadway for traffic safety.
F	392.0	Parallel south	1.9 ha (4.6 ac)	0	0.2 ha (0.5 ac)	0.2 ha (0.6 ac)	0.3 ha (0.7 ac)	0.3 ha (0.7 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
H	392.2	Parallel south and Perpendicular	1.0 ha (2.6 ac)	0	0.2 ha (0.4 ac)	0.2 ha (0.5 ac)	0.2 ha (0.5 ac)	0.2 ha (0.6 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
I	392.5	Parallel north	0.3 ha (0.6 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.



June 2004

Table H-1. Jurisdictional Wetland Impacts (*continued*)

Wetland Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
L Clear Creek	395.9	Perpendicular, mostly south	1.2 ha (3.1 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	0.2 ha (0.4 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
N	396.5	Parallel south	3.1 ha (7.6 ac)	0	0.2 ha (0.4 ac)	0.3 ha (0.7 ac)	0.3 ha (0.7 ac)	0.4 ha (0.9 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Qx Milk River	397.8	Perpendicular, mostly south	0.3 ha (0.8 ac)	0	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
P	398.2	Parallel south	2.1 ha (5.2 ac)	0	0*	0*	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing. This RR separation further reduced to minimize impacts to wetlands.
Q	398.3	Parallel south	2.8 ha (6.9 ac)	0	0.4 ha (1.0 ac)	0.4 ha (1.0 ac)	0.5 ha (1.3 ac)	0.6 ha (1.6 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing. This RR separation further reduced to minimize impacts to wetlands.
R Red Rock Creek (Coulee)	402.3	Perpendicular, mostly south	0.7 ha (1.8 ac)	0	0.1 ha (0.1 ac)	0.1 ha (0.1 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	Minimized impacts	Alignment shifted south and project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
S	402.6	Parallel south and perpendicular	0.1 ha (0.2 ac)	0	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
V Unnamed Creek	404.0	Parallel north and Perpendicular	0.8 ha (2.0 ac)	0	0.2 ha (0.5 ac)	0.2 ha (0.5 ac)	0.2 ha (0.5 ac)	0.1 ha (0.3 ac)	Minimized impacts	Alignment shifted south and project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Px Lodge Creek	404.5	Perpendicular, north and south	2.5 ha (6.2 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.



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Table H-1. Jurisdictional Wetland Impacts (*continued*)

Wetland Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
W	406.0	Parallel south and perpendicular	1.3 ha (3.3 ac)	0	0.3 ha (0.8 ac)	0.3 ha (0.8 ac)	0.3 ha (0.8 ac)	0.4 ha (1.0 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Sx	406.0	Parallel north	0.1 ha (0.2 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
X Battle Creek	410.0	Perpendicular, mostly south	2.0 ha (5.0 ac)	0	0.2 ha (0.4 ac)	0.2 ha (0.4 ac)	0.2 ha (0.5 ac)	0.3 ha (0.7 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Y	412.2	Parallel south	0.9 ha (2.3 ac)	0	0*	0*	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Z	412.3	Parallel south	0.8 ha (1.9 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Ax Milk River	413.0	Parallel south	1.3 ha (3.3 ac)	0	0*	0*	0.1 ha (0.1 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing. This RR separation further reduced to minimize impacts to wetlands.
Bx	413.3	Parallel south	1.3 ha (3.3 ac)	0	0.2 ha (0.4 ac)	0.2 ha (0.4 ac)	0.2 ha (0.4 ac)	0.2 ha (0.5 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing. This RR separation further reduced to minimize impacts to wetlands.
Rx 15-mile Creek	413.8	Perpendicular, mostly south	0.9 ha (2.3 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Ox	427.5	Parallel east	0.2 ha (0.5 ac)	0	0	0	0	0	Avoided	Project alignment located west of wetland.



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Table H-1. Jurisdictional Wetland Impacts (*continued*)

Wetland Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
Tx Milk River (South side of Milk River is located on Fort Belknap Indian Res.)	428.0	Perpendicular, east and west	0.7 ha (1.8 ac)	0	0.1 ha (0.1 ac)	0.1 ha (0.1 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project is maintained along existing alignment to minimize impacts.
Nx (Located on Fort Belknap Indian Res.)	428.2	Parallel east	1.9 ha (4.6 ac)	0	0	0	0	0	Avoided	Project alignment located west of wetland.
TOTAL^{1, 2}			32.0 ha (79.5 ac)	0	2.7 ha (5.9 ac)	2.8 ha (6.4 ac)	3.3 ha (7.9 ac)	3.9 ha (9.7 ac)		
Percent of Total³				0 %	8.4 %	8.8 %	10.3 %	12.2 %		

*Impact less than 0.04 ha (0.1 ac).

¹ Wetland impacts less than 0.04 (0.01 ac) are not included in total wetland impact calculations.

² The conversion from hectares to acres is not exact due to rounding for wetlands with small impact areas. For further detail on wetland impacts and rounding, please see the *Biological Resources Report* (DEA, December 2003).

³ Percent of total is calculated for hectares.

Source: David Evans and Associates, Inc., December 19, 2003. *US 2, Havre to Fort Belknap Biological Resources Report*. Please note that Total Area impacts for jurisdictional wetlands differ from the *Biological Resources Report* due to changes in wetland impacts at Wetland Qx as a result of the Milk River Bridge replacement project. Due to rounding, this difference is apparent in the two-lane alternatives but not in the four-lane alternatives in this table.



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Table H-2. Non-Jurisdictional Wetland Area Impacts

Wetland Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
			Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
G	392.2	Parallel north	0.1 ha (0.2 ac)	0	0	0	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	Avoided or minimized impacts Four-Lane Divided cannot be avoided or minimized	Alignment shifted south to avoid or minimize wetland impacts and used minimum safe distance between highway and RR crossing to avoid wetland or minimize impacts. Four-Lane Divided could not be avoided or minimized. Minimized impacts to jurisdictional wetland F.
J	395.0	Parallel south	0.1 ha (0.2 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.
K	395.0	Parallel north	0.2 ha (0.5 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety, and increase distance from RR crossing for traffic safety.
M	396.4	Parallel north	0.1 ha (0.2 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
O	397.0	Parallel north	0.1 ha (0.3 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.



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Table H-2. Non-Jurisdictional Wetland Area Impacts (*continued*)

Wetland Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
			Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
T	402.6	Parallel south	0.2 ha (0.5 ac)	0	0	0	0	0.2 ha (0.4 ac)	Avoided or minimized impacts	Project uses minimum safe distance between highway and RR crossing to avoid wetlands or minimize impacts to wetlands.
U	402.9	Parallel south	1.8 ha (4.4 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.
Cx	414.5	Parallel south	0.2 ha (0.4 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.
Dx	415.0	Parallel south	14.2 ha (35.1 ac)	0	1.3 ha (3.2 ac)	1.3 ha (3.2 ac)	1.6 ha (4.0 ac)	2.3 ha (5.7 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Ex	415.0	Parallel north	1.0 ha (2.4 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
Fx	415.3	Parallel south	0.4 ha (0.9 ac)	0	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.2 ha (0.4 ac)	0.2 ha (0.6 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Gx	415.3	Parallel south	0.2 ha (0.5 ac)	0	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.2 ha (0.4 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
Hx	416.0	Parallel south	1.7 ha (4.1 ac)	0	0*	0*	0*	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.



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Table H-2. Non-Jurisdictional Wetland Area Impacts (*continued*)

Wetland Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Wetland	RP #	Wetland Orientation	Total Wetland Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
			Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
Ix	416.6	Parallel south	0.3 ha (0.6 ac)	0	0	0	0*	0*	Avoided or minimized impacts	Project uses minimum safe distance between highway and RR crossing to avoid wetlands or minimize impacts to wetlands.
Jx	416.9	Parallel south	0*	0	0	0	0	0	Avoided	Alignment located north of wetland.
Kx	418.7	Parallel south	1.4 ha (3.4 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.
Lx	418.8	Parallel south	1.7 ha (4.1 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.
Mx	420.4	Parallel south	0.5 ha (1.3 ac)	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands. This RR separation further reduced to minimize impacts to wetlands.
Ux	425.7	Parallel east	0.04 ha (0.1 ac)	0	0	0	0	0	Avoided	Alignment located west of wetland.
Vx	427.2	Parallel west	0.3 ha (0.7 ac)	0	0	0	0	0	Avoided	Alignment located east of wetland.
TOTAL^{1,2}			24.5 ha (59.9 ac)	0	1.5 ha (3.8 ac)	1.5 ha (3.8 ac)	1.9 ha (4.8 ac)	3.1 ha (7.6 ac)		
Percent of Total³				0%	6.1%	6.1%	7.8%	12.7%		

*Impact less than 0.04 ha (0.1 ac).

¹ Wetland impacts less than 0.04 ha (0.1 ac) are not included in total wetland impact calculations.

² The conversion from hectares to acres is not exact due to rounding for wetlands with small impact areas. For further detail on wetland impacts and rounding, please see the *Biological Resources Report* (DEA, December 2003).

³ Percent of total is calculated for hectares.

Source: David Evans and Associates, Inc., December 19, 2003. *US 2, Havre to Fort Belknap Biological Resources Report*. Please note that Total Area impacts for jurisdictional wetlands differ from the *Biological Resources Report* due to changes in wetland impacts at Wetland Qx as a result of the Milk River Bridge replacement project. Due to rounding, this difference is apparent in the two-lane alternatives but not in the four-lane alternatives in this table.



Table H-3. Non-Jurisdictional Ditches and Canals Impacts

Ditch and Canal Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Ditch	RP #	Ditch Orientation	Total Ditch Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
NJVVV	398.3	Parallel north	0.1 ha (0.2 ac)	0	0.1 ha (0.1 ac)	0.1 ha (0.1 ac)	0.1 ha (0.1 ac)	0.1 ha (0.1 ac)	Minimized impacts	Alignment shifted south to minimize wetland impacts and to maintain desirable distance between RR crossing and roadway for traffic safety. Minimized impacts to jurisdictional wetland Q.
NJA	400.6	Perpendicular north and south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJB	400.6	Parallel south	0.3 ha (0.6 ac)	0	0.2 ha (0.6 ac)	0.2 ha (0.6 ac)	0.2 ha (0.6 ac)	0.2 ha (0.6 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJC	400.6	Perpendicular south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJD	400.6	Parallel north	0.1 ha (0.3 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJF	400.6	Parallel south	0.1 ha (0.2 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	Cannot be avoided or minimized	
NJG	400.6	Parallel north	0.1 ha (0.1 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.



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Table H-3. Non-Jurisdictional Ditches and Canals Impacts (*continued*)

Ditch and Canal Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Ditch	R.P. #	Ditch Orientation	Total Ditch Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
NJGG	400.6	Parallel north	0.8 ha (2.0 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJGGG	400.7	Parallel north	0*	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJH	400.7	Parallel north	0.3 ha (0.6 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJI	401.1	Perpendicular south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJJ	401.3	Perpendicular and parallel south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJBB	401.8	Perpendicular north	0.4 ha (0.9 ac)	0	0*	0*	0*	0*	Minimized impacts	Alignment shifted south to minimize wetland impacts and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJL	401.9	Perpendicular south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJM	402.9	Parallel south	0.04 ha (0.1 ac)	0	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	Cannot be avoided	
NJMM	403.5	Parallel north	0.1 ha (0.2 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.



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Table H-3. Non-Jurisdictional Ditches and Canals Impacts (*continued*)

Ditch and Canal Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Ditch	R.P. #	Ditch Orientation	Total Ditch Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
NJN	403.8	Parallel north	0*	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJP	404.2	Parallel and Perpendicular south	0.04 ha (0.1 ac)	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJPP	404.2	Perpendicular south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJR	404.2	Parallel north	0.1 ha (0.4 ac)	0	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0	Avoided or minimized impacts	Alignment shifted south to avoid wetland or minimize impacts and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJQ	404.3	Parallel south and Perpendicular north and south	0.1 ha (0.3 ac)	0	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.1 ha (0.2 ac)	Minimized impacts for Four-Lane Divided only	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands. Improved Two-Lane, Improved Two-Lane with Passing Lanes and Four-Lane Undivided could not be avoided or minimized.
NJQQ	404.3	Perpendicular south	0*	0	0	0	0	0	Avoided	Alignment located to the north of wetland.
NJS	404.4	Parallel north	0.04 ha (0.1 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJFFF	404.5	Perpendicular north	0*	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.



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Table H-3. Non-Jurisdictional Ditches and Canals Impacts (*continued*)

Ditch and Canal Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Ditch	R.P. #	Ditch Orientation	Total Ditch Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
NJT	405.1	Parallel north	0.1 ha (0.2 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJU	405.7	Perpendicular north and south	0.1 ha (0.2 ac)	0	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.1ha (0.1 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJV	405.7	Parallel south	0*	0	0*	0*	0*	0*	Cannot be avoided or minimized	
NJW	405.8	Perpendicular south	0.04 ha (0.1 ac)	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJWW	405.8	Perpendicular north	0*	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJX	406.3	Parallel south	0.2 ha (0.6 ac)	0	0.2 ha (0.6 ac)	0.2 ha (0.6 ac)	0.2 ha (0.6 ac)	0.2 ha (0.6 ac)	Cannot be avoided or minimized	
NJY	406.8	Perpendicular north and south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJZ	407.0	Parallel south	0*	0	0*	0*	0*	0*	Cannot be avoided or minimized	
NJAA	407.1	Perpendicular south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.



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Table H-3. Non-Jurisdictional Ditches and Canals Impacts (*continued*)

Ditch and Canal Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Ditch	R.P. #	Ditch Orientation	Total Ditch Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
NJBBB	407.2	Parallel and perpendicular south	0.2 ha (0.5 ac)	0	0.1 ha (0.4 ac)	0.1 ha (0.4 ac)	0.1 ha (0.4 ac)	0.1 ha (0.4 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJCC	408.0	Parallel south	0.1 ha (0.2 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.
NJDD	408.3	Perpendicular south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJEE	408.5	Perpendicular north and south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJAAA	409.9	Parallel south and perpendicular north and south	0.1 ha (0.2 ac)	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJFF	410.4	Parallel south and perpendicular north and south	0.1 ha (0.2 ac)	0	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	Minimized impacts Four-Lane Divided could not be avoided or minimized	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands. Four-Lane Divided could not be avoided or minimized.
NJMMM	411.4	Parallel south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.



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Table H-3. Non-Jurisdictional Ditches and Canals Impacts *(continued)*

Ditch and Canal Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Ditch	R.P. #	Ditch Orientation	Total Ditch Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
NJJJ	411.5	Parallel south and perpendicular north and south	0.7 ha (1.7 ac)	0	0.7 ha (1.7 ac)	0.7 ha (1.7 ac)	0.7 ha (1.7 ac)	0.7 ha (1.7 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJKK	411.5	Parallel south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJLL	412	Perpendicular south	0*	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJLLL	412.5	Parallel north	0.04 ha (0.1 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJKKK	413.2	Parallel south	0*	0	0*	0*	0*	0*	Cannot be avoided or minimized	
NJNN	413.5	Parallel north	0*	0	0*	0*	0*	0*	Minimized impacts	Alignment shifted south to minimize impacts and to maintain desirable distance between RR crossing and roadway for traffic safety. This RR separation further reduced to minimize impacts to wetlands.
NJHH	414.5	Parallel south and perpendicular north and south	0.1 ha (0.4 ac)	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.



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Table H-3. Non-Jurisdictional Ditches and Canals Impacts (*continued*)

Ditch and Canal Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Ditch	R.P. #	Ditch Orientation	Total Ditch Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
NJII	414.5	Parallel north	0.1 ha (0.3 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJE	417.1	Parallel north	0.8 ha (1.9 ac)	0	0	0	0	0	Avoided	Alignment shifted south to avoid wetland and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJHHH	417.1	Parallel north	0.6 ha (1.5 ac)	0	0	0	0*	0.2 ha (0.4 ac)	Avoided or minimized impacts	Alignment shifted south to avoid wetland or minimize impacts and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJSS	417.9	Parallel south and perpendicular north and south	0.1 ha (0.1 ac)	0	0*	0*	0*	0*	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJRR	419.3	Parallel north	1.2 ha (2.9 ac)	0	0	0	0	0.1 ha (0.2 ac)	Avoided or minimized impacts	Alignment shifted south to avoid wetland or minimize impacts and to maintain desirable distance between RR crossing and roadway for traffic safety.
NJTT	420.7	Parallel south	0.9 ha (2.1 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.
NJUU	420.7	Parallel south	2.9 ha (7.2 ac)	0	0	0.1 ha (0.2 ac)	0.4 ha (0.9 ac)	1.1 ha (2.7 ac)	Avoided or minimized impacts	Project uses minimum safe distance between highway and RR crossing to avoid wetlands or minimize impacts.
NJZZ	420.9	Parallel south	0.1 ha (0.4 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	0.1 ha (0.3 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJVV	421.4	Parallel south	0.1 ha (0.4 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.



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Table H-3. Non-Jurisdictional Ditches and Canals Impacts (*continued*)

Ditch and Canal Description				Amount of Wetland Impacted by Alternative (Estimated quantities based on conceptual level of design; assumes greatest impact)						
NJ Ditch	R.P. #	Ditch Orientation	Total Ditch Area	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided	Avoided/Minimized Impacts	Comments
				Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)	Hectares (Acres)		
NJIII	421.5	Parallel south	0.4 ha (1.0 ac)	0	0	0	0	0	Avoided	Alignment located north of wetland.
NJXX	422.3	Perpendicular north and south	0*	0	0	0	0	0	Avoided	Alignment located north of wetland.
NJYY	422.4	Parallel south	0.1 ha (0.2 ac)	0	0*	0*	0.04 ha (0.1 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project uses minimum safe distance between highway and RR crossing to minimize impacts to wetlands.
NJDDD (Located on Fort Belknap Indian Res.)	427.6	Perpendicular east and west	0.7 ha (1.7 ac)	0	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	0.1 ha (0.2 ac)	Minimized impacts	Project alignment is kept along existing alignment to minimize impacts.
NJEEE (Located on Fort Belknap Indian Res.)	428.5	Parallel east	1.0 ha (2.6 ac)	0	0	0	0	0	Avoided	Alignment located west of wetland.
TOTAL^{1, 2}			13.4 ha (32.8 ac)	0	1.9 ha (4.9 ac)	2.0 ha (5.2 ac)	2.4 ha (6.0 ac)	3.4 ha (8.2 ac)		
Percent of Total³				0%	14.2%	14.9%	17.9%	25.4%		

*Impacts less than 0.04 ha (0.1 ac).

¹ Wetland impacts less than 0.04 (0.1 ac) are not included in total wetland impacts.

² The conversion from hectares to acres is not exact due to rounding for wetlands with small impact areas. For further detail on wetland impacts and rounding, please see the *Biological Resources Report* (DEA, December 2003).

³ Percent of total is calculated for hectares.

Source: David Evans and Associates, Inc., December 19, 2003. *US 2, Havre to Fort Belknap Biological Resources Report*. Please note that Total Area impacts for jurisdictional wetlands differ from the *Biological Resources Report* due to changes in wetland impacts at Wetland Qx as a result of the Milk River Bridge replacement project. Due to rounding, this difference is apparent in the two-lane alternatives but not in the four-lane alternatives in this table.



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APPENDIX I – Draft Section 4(f) Evaluation

Appendix I – Draft Section 4(f) Evaluation

This section will be updated after identification of the final preferred alternative. The following information reflects the current status of the evaluation.

Background

Section 4(f) of the 1966 Department of Transportation Act, which is codified at 49 U.S.C. § 303, and FHWA regulations found at 23 C.F.R. § 771.135 prohibit the Federal Highway Administration (FHWA) from approving the use of land from a significant publicly owned public park, recreation area, or wildlife or waterfowl refuge, or any significant historic site unless a determination is made that (1) there is no feasible and prudent alternative to the use of land from the property and (2) the action includes all possible planning to minimize harm to the property. Some examples of Section 4(f) resources include public recreation areas, such as trails, parks, and Wild and Scenic Rivers; wildlife or waterfowl refuges, and historic sites listed on or eligible for the National Register of Historic Places (NRHP).

There are two types of impacts to 4(f) properties:

- Direct impacts resulting from the taking of a portion or all of the property (i.e., land is permanently incorporated into a transportation facility or the temporary occupancy of the land has an adverse effect on the resource), and
- A “constructive use” of the property that is not a direct taking but would “substantially impair” the current use of the property (e.g., noise, air, access, vibration, or visual impacts).

Project Purpose and Need

The purpose of the US 2, Havre to Fort Belknap project is to replace the aging US 2 facility with an efficient and safe highway that will meet the needs of local communities, agriculture, industry, commerce, and tourism. In northern Montana, communities are almost solely dependent on the highway system to meet their transportation needs and to facilitate the economic health of the communities.

Proposed project improvements would improve the highway to current MDT design standards and meet the following needs:

- Provide an efficient highway to support economic vitality
- Reduce roadway deficiencies
- Improve safety
- Improve traffic operations

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A more detailed description of the project purpose and need can be found in Chapter 1 of the *Draft Environmental Impact Statement, US 2: Havre to Fort Belknap* (June 2004).

Project Alternatives

The following is a list of the project alternatives. Detailed descriptions of each of the alternatives can be found in Chapter 2 of the *Draft Environmental Impact Statement, US 2: Havre to Fort Belknap*.

No-Build Alternative: No improvements to US 2 from Havre to Fort Belknap

Improved Two-Lane Alternative: Two 3.6 m (12 ft) travel lanes and 2.4 m (8 ft) shoulders in rural segments of the project corridor. Through the communities, the highway sections vary in response to local traffic conditions and environmental or physical constraints. In Havre, the highway section would be wider with four travel lanes and a two-way left-turn lane. Through Chinook, the highway section would remain within the existing curb lines and consist of two travel lanes and two shoulder/parking lanes. In Harlem, the highway section would consist of two travel lanes, a center two-way left-turn lane and westbound right-turn acceleration and deceleration lanes. Through Fort Belknap the highway section would remain similar to the existing condition, with two travel lanes and eastbound right-turn acceleration and deceleration lanes.

Improved Two-Lane with Passing Lanes Alternative: Two 3.6 m (12 ft) travel lanes and 2.4 m (8 ft) shoulders with an intermittent 3.6 m (12 ft) third passing lane spaced every eight to thirteen km (five to eight mi) in each direction. The typical section would differ in communities. Through the communities, the highway sections vary in response to local traffic conditions and environmental or physical constraints. In Havre, the highway section would be wider with four travel lanes and a center two-way left-turn lane. Through Chinook, the highway would remain within the existing curb lines and consist of two travel lanes, a center two-way left-turn lane, and a shoulder/parking lane. In Harlem, the highway section would consist of two travel lanes, a center two-way left-turn lane and westbound right-turn acceleration and deceleration lanes. Through Fort Belknap the highway section would remain similar to the existing condition, with two travel lanes and eastbound right-turn acceleration and deceleration lanes.

Four-Lane Undivided Alternative: Four 3.6 m (12 ft) travel lanes and 2.4 m (8 ft) shoulders in rural segments of the project corridor. The typical section would differ in communities. Through Havre, the highway section would consist of four travel lanes and a center two-way left-turn lane. Through Chinook, the section would consist of four travel lanes and two shoulder/parking lanes with limited parking in designated areas. Through Harlem, the highway section would consist of four travel lanes and a center two-way left-turn lane. Westbound right-turn lanes would be added in a portion of the segment. Through Fort Belknap, the highway section would transition from the improved four-lane to the existing two-lane section east of MT Highway 66.

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Four-Lane Divided Alternative: Four 3.6 m (12 ft) travel lanes and 2.4 m (8 ft) shoulders, divided by an 11 m (36 ft) landscaped median and 1.2 m (4 ft) inside shoulders in the rural segments of the project corridor. The typical section would differ in communities. Through Havre, the highway section would consist of four travel lanes and a center two-way left-turn. No median would be provided in Havre. Through Chinook, the four-lane section would consist of four travel lanes, a center two-way left-turn lane, and two shoulder/parking lanes with limited parking in designated areas. The highway centerline would shift approximately 23 m (75 ft) south to provide an increased railroad crossing offset at Indiana Street. Through Harlem, the highway section would consist of four travel lanes and a center two-way left-turn lane. Westbound right-turn lanes would be added in a portion of the segment. Through Fort Belknap, the highway section would transition from the improved four-lane to the existing two-lane section east of MT Highway 66.

Section 4(f) Resources: Cultural Resources

Table 1 provides an overview of the 17 historic resources located in the project area (listed from west to east along the project corridor) that were determined in consultation with the Montana SHPO to be listed on or eligible for the NRHP and one historic property not formally evaluated but covered under a Programmatic Agreement. Table 1 also identifies if there is a “use” of these resources to permanently incorporate the land into a transportation facility (as defined by 23 CFR 771.135) for each project alternative. Figure 1 (Sheets 1 through 6) illustrates the locations of these historic sites. More detailed descriptions and evaluation of the applicability of Section 4(f) to the properties are included below. A summary of the impacts resulting in a use of the resource from this proposed project is presented in Table 2. FHWA is the agency responsible for the final determinations on Section 4(f).

One resource, because of stipulations of existing Programmatic Agreements among the Montana SHPO, Advisory Council on Historic Preservation, FHWA, and MDT, was not evaluated for significance as a part of compliance with Section 106 of the National Historic Preservation Act. This resource includes two segments of the US 2 Highway. For the purposes of the 4(f) Evaluation, these sites were treated as NRHP-eligible sites. Summaries of the “use” of these sites are included in Table 1 and described along with the NRHP-eligible or listed sites.

**Table 1. Cultural Resources Evaluated for Section 4(f) within the Project Area**

Site No. (Name)	Period (Date)	Location	NRHP Status	Summary of Section 4(f) Use by Alternative
24HL942 (Burlington Northern – Santa Fe Railway)	Historic (1887)	Full length of the railroad through Hill County, North of US 2 and existing railroad	Listed	No use under any alternative
24HL1133 (Sunset Drive-In Theater)	Historic (1948)	East end of Havre, Montana	Eligible	Results in use under all build alternatives
24BL1248 (Bear Paw Court Motel)	Historic (1951)	North and south sides of Second Street at intersection of Montana Street in Chinook	Eligible	Results in use by Four-Lane Divided Alternative
24BL1728 (Chinook grain elevator complex)	Historic (1952 to 1978)	North of US 2 in Chinook	Eligible	No use under any alternative
24BL1729 (GTA Feed Mill grain elevator complex)	Historic (1947 to 1954)	North of US 2 in Chinook, immediately west of old railroad depot	Eligible	No use under any alternative
24BL1251 (Jamieson Motors)	Historic (1910)	Southeast corner of US 2 & Pennsylvania Street in Chinook	Eligible	Results in use by both four-lane alternatives
24BL1254 (Pehrson's Exxon)	Historic (1951)	Southeast corner of US 2 & Illinois Street in Chinook	Eligible	Results in use by both four-lane alternatives
24BL981 (24BL1050) (Lodge Creek Bridge)	Historic (1942)	Just east of Chinook	Eligible	Results in use under all build alternatives
24BL1146 (Battle Creek Bridge)	Historic (1915)	West of Zurich and north of BNSF Railway	Eligible	No use under any alternative.
24BL1726 (Burns Farmstead)	Historic (1910)	Directly south of Zurich, south of US 2	Eligible	No use under any alternative
24BL1725 (Zurich grain elevator complex)	Historic (1915 to 1975)	North of US 2 on the east edge of Zurich	Eligible	No use under any alternative
24BL1731 (Fifteen Mile Creek Bridge)	Historic (1949)	1 km (0.6 mi) east of Zurich on US Highway 2 at Fifteen Mile Creek	Eligible	Results in use under all build alternatives
24BL1541 (Vincent Pefaur Farmstead)	Historic (1920-1952)	5.6 km (3.5 mi) northwest of Harlem, south of US 2	Eligible	Results in use under all build alternatives



Table 1. Cultural Resources Evaluated for Section 4(f) within the Project Area
(continued)

Site No. (Name)	Period (Date)	Location	NRHP Status	Summary of Section 4(f) Use by Alternative
24BL1542 (Knute and Ardele Kulbeck Farmstead)	Historic (early/mid 1900s)	4 km (2.5 mi) northwest of Harlem, south of US 2	Eligible	Results in use under all build alternatives
24BL1574 (24BL1543) (Great Northern Railroad)	Historic (1887)	Full length of the railroad through Blaine County	Listed	No use under any alternative
24BL838 (Harlem – Snake Butte Railroad)	Historic (1936-1937)	Harlem/Fort Belknap	Eligible	Results in use under all build alternatives
24BL1351 (24BL943) (Harlem Canal)	Historic (1903)	Canal starts 2.4 km (1.5 mi) east of Zurich and flows east, terminating 9.6 km (6 mi) east of Harlem (total canal length is 29 km (18 mi))	Eligible	Results in use under all build alternatives
24BL1573 and 24HL1128 (US 2 Highway)	Historic	Full length of the project corridor in Blaine and Hill Counties	Not Formally Evaluated*	Results in use under all build alternatives

*Programmatic Agreements abrogate the need to evaluate NRHP eligibility, assess impacts, or mitigate effects for road segments in Montana under Section 106 of the National Historic Preservation Act. However, for the purposes of the 4(f) evaluation, these resources were treated as NRHP-eligible.

Source: Compiled by DEA from Ethnoscience, 2003. *Fort Belknap to Havre: A Cultural Resource Inventory Along US Highway 2.*

Table 2. Summary of Section 4(f) Impacts for Individual Sites

Site No. (Name)	Period (Date)	Location	NRHP Status	Alternatives				
				No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided
24HL1133 (Sunset Drive-In Theater)	Historic (1948)	East of Havre City Limits, south side of US 2	Eligible	No Section 4(f) use	Approximately 0.01 ha (0.02 ac) could be regraded near the access and may become part of highway right-of-way.	Approximately 0.01 ha (0.02 ac) could be regraded near the access and may become part of highway right-of-way.	Approximately 0.01 ha (0.02 ac) could be regraded near the access and may become part of highway right-of-way.	Approximately 0.01 ha (0.02 ac) could be regraded near the access and may become part of highway right-of-way.
24BL1248 (Bear Paw Court Motel)	Historic (1951)	North and south sides of Second Street at intersection of Montana Street in Chinook	Eligible	No Section 4(f) use	Buildings and sign are outside the ROW and construction limits. No Section 4(f) use.	Buildings and sign are outside the ROW and construction limits. No Section 4(f) use.	Buildings and sign are outside the ROW and construction limits. No Section 4(f) use.	Motel sign removed because it is in proposed ROW, resulting in Section 4(f) use. The motel is not affected.
24BL1251 (Jamieson Motors)	Historic (1910)	Southeast corner of First Street & Pennsylvania Street in Chinook	Eligible	No Section 4(f) use	Building outside ROW and construction limits. No Section 4(f) use.	Building outside ROW and construction limits. No Section 4(f) use.	Building removed resulting in Section 4(f) use.	Building removed resulting in Section 4(f) use.
24BL1254 (Pehrson's Exxon)	Historic (1951)	Southeast corner of First Street & Illinois Street in Chinook	Eligible	No Section 4(f) use	Building outside ROW and construction limits. No Section 4(f) use.	Building outside ROW and construction limits. No Section 4(f) use.	Building removed resulting in Section 4(f) use.	Building removed resulting in Section 4(f) use.
24BL981 (24BL1050) (Lodge Creek Bridge)	Historic (1942)	Just east of Chinook	Eligible	No Section 4(f) use	Bridge demolished if new owner is not found, resulting in Section 4(f) use.	Bridge demolished if new owner is not found, resulting in Section 4(f) use.	Bridge demolished if new owner is not found, resulting in Section 4(f) use.	Bridge demolished if new owner is not found, resulting in Section 4(f) use.
24BL1731 (Fifteen Mile Creek Bridge)	Historic (1949)	1 km (0.6 mi) east of Zurich on US Highway 2 at Fifteen Mile Creek	Eligible	No Section 4(f) use	Bridge demolished if new owner not found, resulting in Section 4(f) use.	Bridge demolished if new owner not found, resulting in Section 4(f) use.	Bridge demolished if new owner not found, resulting in Section 4(f) use.	Bridge demolished if new owner not found, resulting in Section 4(f) use.
24BL1541 (Vincent Pefaur Farmstead)	Historic (1920-1952)	5.6 km (3.5 mi) northwest of Harlem, south of US 2	Eligible	No Section 4(f) use	6 of the 9 historic buildings and 0.3 ha (0.7 ac) impacted resulting in Section 4(f) use.	6 of the 9 historic buildings and 0.3 ha (0.7 ac) impacted resulting in Section 4(f) use.	6 of the 9 historic buildings and 0.3 ha (0.7 ac) impacted resulting in Section 4(f) use.	6 of the 9 historic buildings and 0.4 ha (0.9 ac) impacted resulting in Section 4(f) use.
24BL1542 (Knute and Ardele Kulbeck Farmstead)	Historic (early-mid 20 th century)	4 km (2.5 mi) west of Harlem, south of US 2	Eligible	No Section 4(f) use	No historic structures impacted; 0.25 ha (0.6 ac) impacted resulting in Section 4(f) use.	No historic structures impacted; 0.25 ha (0.6 ac) impacted resulting in Section 4(f) use.	No historic structures impacted; 0.3 ha (0.7 ac) impacted resulting in Section 4(f) use.	No historic structures impacted; 0.3 ha (0.8 ac) impacted resulting in Section 4(f) use.
24BL838 (Harlem – Snake Butte Railroad)	Historic (1936-1937)	Harlem/Fort Belknap (total length 22.5 km (14 mi))	Eligible	No Section 4(f) use	Requires acquisition and construction on an additional 530 m ² (5,705 ft ²) of the railroad grade, resulting in Section 4(f) use.	Requires acquisition and construction on an additional 530 m ² (5,705 ft ²) of the railroad grade, resulting in Section 4(f) use.	Requires acquisition and construction on an additional 695 m ² (7,841 ft ²) of the railroad grade, resulting in Section 4(f) use.	Requires acquisition and construction on an additional 737 m ² (7,933 ft ²) of the railroad grade, resulting in Section 4(f) use.
24BL1351 (24BL943) (Harlem Canal)	Historic (1903)	Starts 2.4 km (1.5 mi) east of Zurich and flows east, terminating 9.6 km (6 mi) east of Harlem	Eligible	No Section 4(f) use	The existing culvert would be replaced with a longer culvert, thus, incorporating some of the canal into the roadway resulting in a Section 4(f) use.	The existing culvert would be replaced with a longer culvert, thus, incorporating some of the canal into the roadway resulting in a Section 4(f) use.	The existing culvert would be replaced with a longer culvert, thus, incorporating some of the canal into the roadway resulting in a Section 4(f) use.	The existing culvert would be replaced with a longer culvert, thus, incorporating some of the canal into the roadway resulting in a Section 4(f) use.
24BL1573 and 24HL1128 (US 2 Highway)	Historic	Full length of project corridor	Not formally evaluated	No Section 4(f) use	Roadway widening results in Section 4(f) use.	Roadway widening results in Section 4(f) use.	Roadway widening results in Section 4(f) use.	Roadway widening results in Section 4(f) use.

Source: Compiled by DEA from Ethnoscience, 2002. *Fort Belknap to Havre: A Cultural Resource Inventory Along US Highway 2.*

Site 24HL942, Burlington Northern-Santa Fe (BNSF) Railway

Description of Resource. Site 24HL942 is the portion of the BNSF Railway in Hill County. It is listed on the NRHP for its association with the settlement and economic development of Montana. The site consists of several features including bridges, signals, and a pole line.

Impacts. The BNSF Railway would not be affected by any of the project build alternatives. The railroad runs parallel to US 2 but would not be affected by construction or operation of the reconstructed roadway. Elements of the old railroad are north of the project area (and north of the existing railroad) and would not be directly impacted by any of the project build alternatives. There would be no impact to this 4(f) resource.

Site 24HL1133, Sunset Drive-In Theater

Description of Resource. The Sunset Drive-In Theater is located at the east end of Havre. There are five features associated with the site, including two movie screen foundations, a standing movie screen, a movie project building/snack bar, and a ticket booth. Drive-ins represent a significant part of American culture and identity, and the Sunset Drive-In is a well-preserved and complete example of a drive-in movie theater.

Impacts. At the Sunset Drive-In Theater, a very small (0.01 ha [0.02 ac]) area would be regraded at the access for all alternatives. None of the historic features would be affected by implementation of any of the alternatives, and there would be no temporary or permanent adverse change to the historic features as a result of this regrading. Until final design is completed, it cannot be determined whether this regraded area would become a permanent part of the highway right-of-way; therefore, for this evaluation, it is assumed that a Section 4(f) use occurs.

Site 24BL1248, Bear Paw Court Motel

Description of Resource. The Bear Paw Court Motel is located in Chinook. It consists of two U-shaped, flat-roofed, stucco finished structures and an original neon roadway sign. The motel was constructed in 1951, and with the exception of the addition of a laundry room in 1953, remains unaltered from its original construction. Roadside motels from this era once common throughout rural Montana are now quite rare. The Bear Paw Court Motel units are located on the north and south sides of Second Street east of Montana Street in Chinook. The neon sign, set back from US 2, is located north of the motel.

Impacts. The Bear Paw Court Motel would not be affected by the Improved Two-Lane, Improved Two-Lane with Passing Lanes, or Four-Lane Undivided Alternatives because the motel, located one block south of US 2, and the sign are outside the right-of-way and cut and fill areas for these alternatives. The Four-Lane Divided Alternative would impact the neon sign, requiring its removal, because it would be in the right-of-way, resulting in a Section 4(f) use. The neon sign is not currently located on the motel property but on land north of the

motel. Operation of the motel would not be affected by the implementation of this alternative, because the motel is one block south of US 2.

Site 24BL1728, Chinook Grain Elevator Complex

Description of Resource. Site 24BL1728 is a grain elevator complex in Chinook consisting of six features. Most of the structures were built in 1952, a time of economic boom in the area. Grain elevators located along the rail lines were a significant element to the agricultural industry in the area as rail was the primary way that grain was shipped out of the area both east and west to reach markets.

Impacts. The Chinook Grain Elevator complex would not be affected by any of the project build alternatives. It is outside the right-of-way and cut-and-fill areas for all of the alternatives. The existing curb line would be maintained, and the resource would remain unchanged in relation to the highway. There would be no use of this property and, therefore, no impact to this 4(f) resource.

Site 24BL1729, GTA Feed Mill Grain Elevator

Description of Resource. Site 24BL1729 is a grain elevator complex in Chinook consisting of five features constructed between 1947 and 1954. Like Site 24BL1728, it is associated with the agricultural and economic boom of agriculture in the area during mid twentieth century and the importance of rail shipping of agricultural products to markets east and west.

Impacts. The GTA Feed Mill Grain Elevator complex would not be affected by any of the project build alternatives. It is outside the right-of-way and cut-and-fill areas for all of the alternatives. The elevator's current location is north of the highway, and none of the proposed build alternatives would widen the highway to the north of the existing curb line. There would be no use of this property and, therefore, no impact to this 4(f) resource.

Site 24BL1251, Jamieson Motors

Description of Resource. The Jamieson Motors garage is located in Chinook. The building was constructed in 1910 on the southeast corner of First Street (US 2) and Pennsylvania Street. The building has been virtually unaltered from its original construction and also retains two original neon signs. The building is considered an excellent example of an early twentieth century automotive-related architecture.

Impacts. The Jamieson Motors garage would not be affected by implementation of the Improved Two-Lane or Improved Two-Lane with Passing Lanes Alternatives. The structure and surrounding property are outside the impact area; right-of-way is within the existing curb line for both two-lane alternatives. Right-of-way requirements for the Four-Lane Undivided and Four-Lane Divided Alternatives would require removal of the building. These impacts would result in a Section 4(f) use.

Site 24BL1254, Pehrson's Exxon

Description of Resource. Pehrson's Exxon is located in Chinook at the southeast corner of First Street (US 2) and Illinois Street. The gas station, which was originally a Texaco station, is plain in styling but has been virtually unaltered and is an excellent example of a 1950s era roadside gas station architecture.

Impacts. Pehrson's Exxon gas station would not be affected by implementation of the Improved Two-Lane or Improved Two-Lane with Passing Lanes Alternatives. The structure and surrounding property are outside the impact area; right-of-way is within the existing curb line. Right-of-way requirements for the Four-Lane Undivided and Four-Lane Divided Alternatives would require removal of the building. These impacts would result in a Section 4(f) use.

Site 24BL981 (24BL1050), Lodge Creek Bridge

Description of Resource. Lodge Creek Bridge is a three-span reinforced concrete T-beam bridge with an overall length of 28.7 m (94 ft) and a roadway width of 8.5 m (28 ft). The bridge was constructed in the early 1940s and is representative of a standard MDT design constructed between 1920 and 1961.

Impacts. Lodge Creek Bridge would require replacement under any of these alternatives because it is functionally obsolete (too narrow). This replacement would result in Section 4(f) use if the bridge is demolished.

Site 24BL1146, Battle Creek Bridge

Description of Resource. Battle Creek Bridge is a single-span pin-connected Pratt through truss constructed in 1915. Truss bridges contain truss work above and along the roadway, making the support structure visible from the roadway. The bridge is an excellent example of a Pratt through truss, which was a standard MDT design from 1900 through 1925.

Impacts. Battle Creek Bridge would not be affected by any of the project build alternatives. It is north of the BNSF Railway and therefore it is outside the right-of-way and cut and fill areas for all of the alternatives. There would be no direct use of this property and it is not located adjacent to the proposed project. There is no use of this Section 4(f) resource by this proposed project.

Site 24BL1726, Burns Farmstead

Description of Resource. The Burns Farmstead is an occupied farmstead of approximately 1.6 ha (4 ac) with 17 features, including a house, barns, sheds, chicken coop, granary, grain bin, and others. Most of the features date between 1910 and 1940, but the only NRHP-eligible historic feature on the site is the livestock barn (Feature 2), which is a well-known local landmark and subject of many artistic renderings.



Impacts. The Burns Farmstead would not be affected by any of the project build alternatives. It is outside the right-of-way and cut-and-fill areas for all of the alternatives. There would be no direct use of this property. In the widest cross section (the four-lane alternatives), the roadway would be 32 m (105 ft) from the farmstead structures and would not impact the historic setting or integrity of the property. There would be no use of this property, and therefore no impact to this 4(f) resource.

Site 24BL1725, Zurich Grain Elevator Complex

Description of Resource. Site 24BL1725 is a grain elevator complex consisting of five features: two grain elevators, a grain bin, an office, and an outhouse. It is located in Zurich on the north side of US 2 and was constructed in the early part of the twentieth century. The property is associated with early agricultural and economic development of Zurich and the surrounding region. Grain shipments were vital to the survival of the town of Zurich.

Impacts. The Zurich Grain Elevator complex would not be impacted by any of the project build alternatives. It is outside the northern boundary of the right-of-way and cut-and-fill areas for all of the alternatives. The existing northern right-of-way limit would be maintained, and the resource would remain unchanged in relation to the highway. There would be no use of this property and, therefore, no impact to this 4(f) resource.

Site 24BL1731, Fifteen Mile Creek Bridge

Description of Resource. The Fifteen Mile Creek Bridge is a two-span continuous steel stringer bridge with a concrete deck and piers. It measures 32.9 m (108 ft) in length with a roadway width of 8.5 m (28 ft). It was completed in 1949 after two years under construction, which was delayed because of difficulty obtaining material and labor to complete the project. It is an excellent and rare example of a steel stringer bridge in Montana.

Impacts. Fifteen Mile Creek Bridge under all build alternatives would require replacement because it is too narrow. This replacement would result in a Section 4(f) use if the bridge is demolished.

Site 24BL1541, Vincent Pefaur Farmstead

Description of Resource. The Vincent Pefaur Farmstead is located on the south side of US 2 in the Milk River Valley, approximately 5.6 km (3.5 mi) northwest of Harlem. The family-operated farmstead was originally deeded in 1899 and has had three owners; the current owner has owned the property since 1932. There are nine features on the property, including houses, outbuildings, storage, and a granary. It is important for its association with the sugar beet industry and as a well-preserved example of an early twentieth century farm.

Impacts. The Vincent Pefaur Farmstead would be directly impacted by all of the project build alternatives. Six of the nine historic features would be impacted by all of the alternatives. In addition, the Improved Two-Lane, Improved Two-Lane with Passing Lanes, and the Four-Lane Undivided Alternatives would require use of approximately 0.3 ha (0.7 ac) or 8 percent of the site property. The Four-Lane Divided Alternative would require use of an additional

0.1 ha (0.2 ac) of property for a total use of 0.4 ha (0.9 ac), or 11 percent, of the site property. Loss of the historic features would adversely affect the integrity of the site and would render the property unusable for its historic function. These impacts would result in a Section 4(f) use for all build alternatives.

Site 24BL1542, Knute and Ardele Kulbeck Farmstead

Description of Resource. The Knute and Ardele Kulbeck Farmstead is located on the south side of US 2 in the Milk River Valley, approximately 4 km (2.5 mi) northwest of Harlem. The site consists of a modern farmhouse and associated features. The historic features on the property consist of a barn and milkhouse, which date to early/mid twentieth century. The barn is one of the largest remaining examples of early barn design in the area.

Impacts. All of the project build alternatives would require use of some portion of the Knute and Ardele Kulbeck Farmstead, although no structures would be affected. The Improved Two-Lane and Improved Two-Lane with Passing Lanes Alternatives would require use of approximately 0.25 ha (0.6 ac) or 23 percent of the site property. The Four-Lane Undivided would require use of approximately 0.3 ha (0.7 ac) or 26 percent of the site property. The Four-Lane Divided Alternative would require use of 0.3 ha (0.8 ac), or 29 percent, of the site property. The property used for all alternatives is located adjacent to the existing US 2 and is not used for farming operations. The nearest structure is currently offset 40 m (131 ft) from the highway. Under both of the two-lane alternatives and the Four-Lane Undivided Alternative, the nearest structure would be 30 m (98 ft) from the highway. For the Four-Lane Divided Alternative, the nearest structure would be 20 m (65 ft) from the highway.

Loss of the property adjacent to the roadway does not adversely affect the historic integrity of the site because the historic importance of the site is associated with its structures, and none of the structures is impacted. All build alternatives would impact this site resulting in a Section 4(f) use.

Site 24BL1574 (24BL1543), Great Northern Railroad

Description of Resource. Site 24BL1574/24BL1543 is a segment of the Great Northern Railroad that is currently listed on the NRHP. Its historic features include rails, ties, signals, and bridges. The site is significant for its association with the settlement and economic development of agriculture and copper mining in this region of Montana during the late nineteenth century. The bridges are important because the reinforced concrete construction is distinctive of this period.

Impacts. The Great Northern Railroad would not be affected by any of the project build alternatives. The railroad runs parallel to US 2 but would not be affected by construction or operation of the reconstructed roadway. Elements of the old railroad are north of the existing railroad and farther outside the area of impact. The railroad provides a physical (and safety) constraint for the operation of the highway. For all project alternatives, the existing offset with the railroad is maintained or increased. There would, therefore, be no impact to this 4(f) resource.

Site 24BL838, Harlem-Snake Butte Railroad

Description of Resource. The Harlem-Snake Butte Railroad site consists of a 22.5 km (14 mi) spur to the Great Northern Railroad. US 2 crosses this site which is south of Harlem. Construction of the spur, which was built to transport rock removed from Snake Butte to be used for the construction of the Fort Peck Dam, began in 1936 and was finished in 1937. The spur operated for two years, was sold, and subsequently abandoned. In 1939, the tracks and rails as well as the trestle bridges were removed.

Impacts. The Harlem-Snake Butte Railroad site would be impacted by the Improved Two-Lane, Improved Two-Lane with Passing Lanes, Four-Lane Undivided or Four-Lane Divided Alternatives. The existing alignment of US 2 crosses this site. Widening of the highway crossing would increase the degree of impact to the site but would not further affect the historic integrity of the site.

The existing highway impacts 334 m² (3,595 ft²) of the site. The Improved Two-Lane and Improved Two-Lane with Passing Lanes Alternatives would result in the use of an additional 530 m² (5,705 ft²) of the site. The total site is 22.5 km (14 mi) long by approximately 12 m (39 ft) wide in area (270,372 m² [2,910,260 ft²]). These alternatives would impact a fraction of the already disturbed total site.

The Four-Lane Undivided Alternative would result in the use of an additional 695 m² (7,481 ft²) of the site. The Four-Lane Divided Alternative would result in the use of an additional 737 m² (7,933 ft²). Like both two-lane alternatives, the four-lane alternatives would impact a negligible fraction of the site. All build alternatives would impact this site resulting in a Section 4(f) use.

Site 24BL1351 (24BL943), Harlem Canal

Description of Resource. The Harlem Canal is an operational irrigation water delivery system. The beginning of the canal is 2.4 m (1.5 mi) east of Zurich and flows east between US 2 and the Milk River. At the town of Harlem, the canal runs between the existing railroad and the Milk River. The terminus of the canal is 9.7 km (6 mi) east of Harlem. The total canal length is 29 km (18 mi). The Bureau of Reclamation established the Harlem Canal in 1903 as part of the Milk River Project, which was the first irrigation project in Montana under the US Reclamation Service.

Impacts. All of the project build alternatives would impact the site from the replacement of the box culvert and other grading activities. Impacts would be the same for the Improved Two-Lane, Improved Two-Lane with Passing Lanes, Four-Lane Undivided, and Four-Lane Divided Alternatives. Replacement of the box culvert is necessary to properly accommodate storm water runoff and continue reasonable functioning of the canal. Approximately 50 linear meters (164 linear feet) would be disturbed during construction activities. Because no rechanneling or permanent disruption in operation or function of the site would occur, this disturbance would not affect the historic integrity of the site. Disruption of the canal operation would be temporary and only occur during the construction period. Although no longer in

effect, a previous Programmatic Agreement among FHWA, ACHP, and Montana SHPO regarding the Treatment of Historic Irrigation Ditches Affected by Highway Construction in Montana considered elements such as culverts to be a roadway rather than irrigation element. Consequently, these structures were not considered significant to the historic integrity of the site.

For all build alternatives, the existing culvert may need to be replaced with a longer culvert to accommodate the wider roadway. The length of the new culvert would be determined during final design. The additional sections of canal that would be placed into culvert would become incorporated into the roadway, and therefore, result in a Section 4(f) use.

Sites 24BL1573 and 24HL1128, US Highway 2

Description of Resource. The route for US 2 was first surveyed in 1853 although funding for construction was not allocated until 1919. The 4.8-m (16-ft) gravel roadway was the primary route for travelers heading to the gold fields. In 1926, the Blaine County segment of the highway became the first paved portion of the Hi-Line. In 1946, the highway was rebuilt to its present alignment.

Impacts. All of the project alternatives are generally along the existing highway corridor. None would result in major realignment of the highway or change its historic route. It would continue to be physically and thematically connected to the Hi-Line. This facility is covered under a Programmatic Agreement with Montana SHPO, Advisory Council on Historic Preservation, FHWA, and MDT. All the project build alternatives would require reconstruction of US 2. Activities included in reconstruction include excavation, widening, regrading and repaving. Generally, the historic US 2 alignment is either on the existing US 2 alignment or slightly north between the current highway and railroad where there are a few highway roadbed remnants. Although the proposed highway alignment for the build alternatives will not move closer to the railroad, the remaining roadbed remnants could be impacted from regrading or construction activities and become part of the US 2 highway roadway prism. These impacts to sites 24BL1573 and 24HL1128 would result in a Section 4(f) use.

Section 4(f) Resources: Parks, Recreational Areas, and Wildlife or Waterfowl Refuges

Section 4(f) also governs resources that are officially designated as parks and recreation areas. The bike path in Blaine County was evaluated but did not meet the definition of 4(f) resources, as explained below. Two city parks within the project area would meet the definition for 4(f) resources but are not impacted by any of the project build alternatives, as explained below. Nor are there any impacts to recreational resources in the Blaine County Fairgrounds.

The Blaine County bike path (built in memory of Gary Steffenmeier) was constructed in 1996 and is owned and maintained by Blaine County. It was constructed with Community Transportation Enhancement Program funds and is considered part of the transportation

system rather than a recreational resource. Therefore, it does not meet the definition of a 4(f) resource.

There are no wildlife or waterfowl refuges in the project area.

Blaine County Fairgrounds, Chinook

Description of Resource. Section 4(f) is not applicable to publicly-owned fairgrounds that function primarily for commercial purposes, such as annual fairs. However, when fairgrounds are open to the public and function primarily to public recreation other than an annual fair, Section 4(f) only applies to those portions of land determined significant for recreational purposes. The Blaine County Fairgrounds are located south of US 2 immediately west of Chinook. The Fairgrounds are used for the county fair each year, and clubs such as riding groups and 4H use the arena in the summer. The arena is open to the public at all times and is used for public recreation such as riding. The county property on which the fairgrounds is located is 23.6 ha (58.3 ac). The developed portion of the fairgrounds, which includes the arena, livestock buildings, stables and other buildings, is located in the southeast corner of this site approximately 190 m (620 ft) from the US 2 right-of-way; this area occupies approximately 40 percent of the site area. The remaining 60 percent of the site (adjacent to US 2) is a vacant undeveloped parcel. The buildings and fairgrounds are accessed via the intersection of Montana Street and Third Street in Chinook, which is several blocks south of US 2.

Impacts. There is no impact to this parcel for either of the two-lane alternatives. The area impacted by the four-lane alternatives is a vacant undeveloped area of county-owned land northwest of the fairgrounds and rodeo arena. The Four-Lane Undivided Alternative impacts 4 m² (43 ft²) and the Four-Lane Divided Alternative impacts 1,020 m² (10,979 ft²) of the county parcel. These alternatives are 175 m (574 ft) to 161 m (528 ft) from the closest building. This impacted area of the property is not used for recreation purposes and is not a significant recreation area as verified by Blaine County Commissioners (see attached concurrence letter, dated June 8, 2004). Therefore, this portion of the county-owned parcel does not meet the definition of Section 4(f) use of a recreation area.

Lions Memorial Park, Harlem

Description of Resource. Lions Memorial Park in Harlem is located at the northeast corner of the intersection of Main Street with US 2. The park consists of an entry marker, memorial stones, and flags, and includes a picnic area. The park is set back from the highway and is not easily seen from US 2.

Impacts. Lions Memorial Park would not be affected by any of the project build alternatives. It is outside the right-of-way and cut-and-fill areas for all of the alternatives and would not experience increased noise or visual intrusion from the construction or operation of the new facility. There would be no use of this property, and therefore no impact to this 4(f) resource.

Centennial Park, Chinook

Description of Resource. The Chinook Centennial Park is located on the southeast corner of the intersection of Second Avenue and Indiana Street, one block south of US 2. Indiana Street functions as Chinook's "Main Street" between Second and Fourth Avenues, and this park provides an entry feature to the downtown area. The park consists of a wide lawn and landscaping, with a shelter structure and picnic tables.

Impacts. The Chinook Centennial Park would not be affected by any of the project build alternatives. It is outside the right-of-way and cut-and-fill areas for all of the alternatives and would not experience increased noise or visual intrusion from the construction or operation of the new facility. There would be no use of this property, and therefore no impact to this 4(f) resource.

Avoidance Alternatives

The four build alternatives use some Section 4(f) land. The use at each specific site was summarized in Table 2. The overall assessment of the impact for each alternative is presented in Table 3.

Although the No-Build Alternative does avoid impacts to Section 4(f) resources, it is not a prudent alternative because existing highway inefficiencies, safety, roadway deficiency, and traffic operations conditions would not be addressed. The roadway's narrow shoulders and bridges, steep side slopes, inadequate clear zones, and sharp curves would remain. The inadequate offset of US 2 from the railroad at railroad crossings would continue. Therefore, trucks crossing the railroad tracks and turning onto US 2 would continue to wait on the railroad tracks before turning onto the highway. Vehicles turning off of US 2 would continue to stop in the through travel lane of US 2 while trains are passing. These conditions result in safety problems and accident rates higher than the statewide average. Current traffic operations also exacerbate these safety problems. There are no turning or acceleration/deceleration lanes in the corridor, further exacerbating safety problems because the high-speed regional traffic is not separated from lower speed turning local traffic. The lack of turning lanes also results in inefficient highway travel because the through traffic must either slow or stop if it is behind turning traffic. This affects the movement of goods, including the transport of agricultural goods to rail, and the local residents traveling between the corridor communities. US 2 plays a vital role in sustaining the region's economy because much of the business activity in the area relies on US 2 to carry goods and people. The lack of shoulders also affects the efficiency of travel for emergency vehicles traveling between the communities because other vehicles cannot pull out of the main travel lane to allow the emergency vehicles to pass. With the No-Build Alternative, these travel inefficiencies, roadway deficiencies, safety, and traffic operation conditions would not be addressed, therefore, the No-Build Alternative is not a prudent alternative.

Table 3. Summary of Section 4(f) Impacts by Alternative

	Alternatives				
	No-Build	Improved Two-Lane	Improved Two-Lane with Passing Lanes	Four-Lane Undivided	Four-Lane Divided
Uses Section 4(f) Land	No	Yes	Yes	Yes	Yes
Harm to Section 4(f) sites (after mitigation)	None	Least (5 historic sites, potentially 2 historic bridges, and potentially 1 historic site)	Least (same as Improved Two-Lane)	Medium (7 historic sites, potentially 2 historic bridges, and potentially 1 historic site)	Greatest (8 historic sites, potentially 2 historic bridges, and potentially 1 historic site)

As discussed in Chapter 2 of the DEIS, other alignment alternatives were considered that would avoid all or some of these sites. These alternatives included a Southern Corridor Bypass (see Section 2.8.1), which would avoid all the Section 4(f) sites. The Chinook Southern Bypass (see Section 2.8.2) would avoid the Section 4(f) impacted sites in Chinook: 24BL1248 (Bear Paw Court Motel), 24BL1251 (Jamieson Motors), 24BL1254 (Pehrson's Exxon), and 24BL981/24BL1050 (Lodge Creek Bridge). These alternatives were not prudent because similar to the No-Build Alternative, the bypass alternatives would not address the existing safety, roadway deficiency, and traffic operation problems. In addition, these alternatives were not prudent because they would not fulfill the project purpose to provide an efficient highway to support economic vitality. In accordance with the Montana Code Annotated (MCA) 60-2-211, a highway bypass cannot be constructed without the consent of the bypassed communities. The communities of Chinook and Harlem passed resolutions refusing consent to the bypass alternatives due to their concern about potential adverse economic impacts resulting from a bypass. For the reasons stated above, the bypass alternatives are not prudent alternatives for avoiding the Section 4(f) resources.

The following is information on specific location alternatives and design shifts considered for the avoidance of specific 4(f) resources.

Site 24HL1133, Sunset Drive-In Theater. Site 24HL1133 may be impacted by implementation of any of the build alternatives. Shifting the alignment to the north to avoid this site was investigated. However, this shift to the north would impact five residences in the mobile home park to the northeast of the Sunset Drive-In. This area of Havre has been identified by local officials as a low-income neighborhood and, therefore, impacts to this area could become an environmental justice issue (per Executive Order 12898) if they are considered disproportionately high and adverse compared to effects suffered by the non-low-income population. It is unlikely that these mobile home residences would be able to relocate within the development because the individual residential sites are all occupied. In addition, it would be difficult to expand the mobile home development because the site is constrained

by existing development on the east and west and steep topography and the railway to the north.

Therefore, shifting the alignment north and impacting these residences was not a prudent alternative.

This site could also be avoided by not regrading the drive-in access; however, this alternative is not prudent because it would adversely impact the safety of the access.

Site 24BL1248, Bear Paw Court Motel. Site 24BL1248 would be impacted by implementation of the Four-Lane Divided Alternative. The Improved Two-Lane, Improved Two-Lane with Passing Lanes, and the Four-Lane Undivided Alternatives avoid impacting this site. The evaluation of feasible and prudent alternatives to the implementation of the Four-Lane Divided Alternative is currently under review by FHWA and MDT for this site.

Implementation of the Four-Lane Divided Alternative would require removal of the neon sign, which is a historic feature of Site 24BL1248, although it is not located on property owned by the motel (the motel rents the space on which the sign is located from the property owner south of the motel property). Realigning the roadway to miss this feature would not be prudent because (1) it would result in impacts to another historic property (Site 24BL1728) and (2) and would result in an inadequate offset (i.e., the distance between the highway and the railroad that allows for safe rail and vehicular operations) for safety with the railroad crossing at Indiana Street.

Site 24BL1251, Jamieson Motors. Site 24BL1251 would be impacted by implementation of the Four-Lane Undivided and Four Lane Divided Alternatives. Both two-lane alternatives avoided impacting this site. The evaluation of feasible and prudent alternatives for this site for the four-lane alternatives is currently under review by FHWA and MDT.

A minimized four-lane alternative through Chinook was investigated. Minimization options considered for reducing the typical section and preserving some of the existing historic resources (24BL1248, 24BL1251, and 24BL1254) included removing the sidewalk and/or parking lane. Removing the sidewalk or parking lane did not narrow the roadway section enough to preserve the historic structures.

Realigning the roadway under the four-lane alternatives to miss this site would not be feasible or prudent because (1) it would result in impacts to another historic property (Site 24BL1728) and (2) it would result in a further reduction of the already inadequate offset (i.e., the distance between the highway and the railroad that allows for safe rail and vehicular operations) with the railroad crossing at Indiana Street.

Site 24BL1254, Pehrson's Exxon. Site 24BL1254 would be impacted by implementation of the Four-Lane Undivided and Four Lane Divided Alternatives. Both the two-lane alternatives avoid impacting Site 24BL1254. The evaluation of feasible and prudent avoidance alternatives to the implementation of either of the four-lane alternatives is currently under review.



A minimized four-lane alternative through Chinook was investigated. Minimization options considered for reducing the typical section and preserving some of the existing resources (24BL1248, 24BL1251, and 24BL1254) included removing the sidewalk and/or the parking lane. Removing the sidewalk or parking lane did not narrow the roadway enough to preserve the historic structures.

Realigning the roadway under the four-lane alternatives to avoid this site would not be prudent because (1) it would result in substantial increased impacts to wetlands and (2) would result in an inadequate offset (i.e., the distance between the highway and the railroad that allows for safe rail and vehicular operations) with the railroad crossing at Indiana Street.

Site 24BL981 (24BL1050), Lodge Creek Bridge. Lodge Creek Bridge may be adversely impacted by all of the project build alternatives. The current bridge is narrow and would require replacement under any of these alternatives. Therefore, for safety reasons, it would not be prudent to incorporate the existing bridge into any of the proposed alternatives. In all cases, the new bridge would be constructed adjacent to the existing bridge, providing an opportunity to avoid impacting the structure. MDT would use its Adopt a Bridge program to try to identify a new owner for the bridge¹.

For the Lodge Creek Bridge, if a new owner adopts the bridge, it could be left in place or moved. If a new owner cannot be identified, there would be no prudent alternative because MDT would no longer maintain the bridge due to cost and therefore would need to remove the bridge to avoid safety and liability concerns.

Site 24BL1731, Fifteen Mile Creek Bridge. Fifteen Mile Creek Bridge may be adversely impacted by all of the project build alternatives. The current bridge is narrow and would require replacement under any of these alternatives. Therefore, for safety reasons, it would not be prudent to incorporate the existing bridge into any of the proposed alternatives. In the case of the Improved Two-Lane and Improved Two-Lane with Passing Lanes Alternatives, the new bridge would be constructed adjacent to the existing bridge, providing an opportunity to avoid impacting the structure. MDT would use its Adopt a Bridge Program to try to identify a new owner for the bridge. If a new owner adopts the bridge it could be left in place or moved. If a new owner cannot be identified, there would be no prudent alternative because MDT would no longer maintain the bridge due to cost and therefore it would need to be removed to avoid safety and liability concerns. For the Four-Lane Undivided and Four-Lane

¹The MDT Adopt-a-Bridge Program was initiated to prevent the destruction of historic bridges in Montana. The program was developed in compliance with the May 9, 1989 Programmatic Agreement among the FHWA, SHPO, ACHP, and MDT for Historic Roads and Bridges. If an NRHP-eligible bridge requires removal, MDT advertises the availability of the bridge for adoption by another entity or individual. Anyone interested in adopting a historic bridge is required to submit an application to MDT. Applications can be submitted from governmental entities, civic groups, non-incorporated groups, or individuals (in order of preference). The application must address questions regarding the ownership, use, location, access, insurance, and bonding for the bridge. The bridge can either be left in place (preferable) or moved to a new location. The new owner receives monetary compensation equal to the estimated cost of removal to relocate or rehabilitate the bridge. If no applications are received, or the applications received do not meet the criteria for transfer of ownership, MDT may remove the historic bridges in compliance with its Programmatic Agreement for Historic Roads and Bridges.

Divided Alternatives, the bridge would be directly impacted because it would be within the right-of-way and would require removal during construction. Prior to construction, MDT would use its Adopt a Bridge Program to try to identify a new owner to move the bridge. Shifting the alignment to avoid impacting the bridge for the four-lane alternatives is not prudent because it would result in increased wetland and property impacts. If the alignment were shifted to miss the bridge, MDT would still need to find a new owner willing to take over maintenance of the bridge. If a new owner could not be found, there would be no prudent alternative because MDT would remove the bridge to avoid safety and liability concerns.

Site 24BL1541, Vincent Pefaur Farmstead. All of the project build alternatives would result in impacts to the Vincent Pefaur Farmstead. Design of the Improved Two-Lane Alternative could be modified to introduce two sets of reverse curves (four curves total) to route the highway around the property. While the introduction of reverse curves could be designed to meet MDT standards, the design may confuse motorists because curves would be introduced into an otherwise straight roadway. Therefore, for safety reasons, MDT/FHWA determined that this design option was not prudent. Realigning the four-lane alternatives to the north to avoid this site is also not prudent because of the need to maintain the railroad offset for safety. Steepening the sideslope and adding guardrail in this location would not avoid impacting this site because the historic features are located close to roadway.

Site 24BL1542, Knute and Ardele Kulbeck Farmstead. All of the project build alternatives would result in impacts to the Knute and Ardele Kulbeck Farmstead. Realigning the alternatives to the north to avoid this site would move the highway closer to the railroad than it is today. At a minimum, the existing offset from the railroad needs to be maintained for safety. Therefore, moving the alignment north to avoid this site is not prudent because it results in safety impacts. Steeping the sideslope and adding guardrail in this location would not avoid impacting the site because it is adjacent to the highway.

Site 24BL838, Harlem-Snake Butte Railroad. The Harlem-Snake Butte Railroad would be adversely affected by all of the project build alternatives. The existing US 2 alignment also crosses this feature. There are no prudent measures that could be taken to avoid impacting this site. An option of realigning the roadway is not prudent because it would not avoid the impact to the site but would merely change the location of the impact and create an impact in a non-impacted area.

Constructing a bridge over the site would require spanning not only the Harlem-Snake Butte Railroad but also the Harlem Canal due to its close proximity. In addition, access to several driveways and county roads would need to be relocated. This bridge structure would be elevated above the existing roadway. Since the surrounding landscape and the topography are flat with little vegetation, there are wide-open vistas. This bridge would introduce a highly visible element into these long distance views from US 2 and the communities of Harlem and Fort Belknap. MDT estimates the cost of this type of bridge to be approximately \$3.5 million to \$4.0 million for both two-lane alternatives and approximately \$7.0 million to \$8.0 million for the four-lane alternatives. Due to these costs and visual impacts, using a bridge to avoid this site would not be a prudent alternative.

Site 24BL1351 (24BL943), Harlem Canal. The Harlem Canal would be adversely impacted by all the project build alternatives. This site is adjacent to Site 24BL838, Harlem-Snake Butte Railroad. Realigning the roadway is not prudent because it would not avoid the site and would only change the location of the impact. Building a bridge is not prudent due to the visual impacts and excessive costs as described in Site 24BL838, Harlem-Snake Butte Railroad.

Sites 24BL1573 and 24HL1128, US Highway 2. All project build alternatives would impact Sites 24BL1573 and 24HL1128 because they are in the US 2 corridor. As discussed previously, although the No-Build Alternative and realignment of US 2 to bypass the current alignment would avoid the existing US 2 site, these are not prudent alternatives because they do not address the project's purpose and need to provide an efficient highway to support economic vitality, reduce roadway deficiencies, improve safety or improve traffic operations.

Measures to Minimize Harm

The alignment for all of the project build alternatives has been designed to minimize impacts to 4(f) resources in the corridor. At specific locations such as Chinook, minimizing the four-lane cross section was investigated to minimize impacts to the Bear Paw Court Motel Sign (24BL1248), Jamieson Motors (24BL1251), and Pehrson's Exxon (24BL1254). Minimizing the four-lane cross section by removing the parking lane and/or sidewalks did not minimize impacts because the buildings are close to the existing edge of right-of-way, so these buildings were still impacted.

For both the Harlem-Snake Butte Railroad (24BL838) and the Harlem Canal (24BL1351 and 24BL943), the crossing of these resources by the proposed project will be kept within the vicinity of existing crossings to minimize impacts to currently non-impacted areas. In addition, right-of-way within this area will be minimized to reduce the amount of this resource that is incorporated into the proposed transportation project.

During final design, measures such as lowering the roadway grade to minimize sideslopes, steepening sideslopes and adding a guardrail, and minimizing right-of-way will be investigated to minimize impacts to the Sunset Drive-In Theater (24HL1133), Vincent Pefaur Farmstead (24BL1541), and Knute and Ardele Kulbeck Farmstead (24BL1542).

MDT's Adopt-a-Bridge Program would be used to identify a new owner for the Lodge Creek and/or Fifteen Mile Creek Bridges. The Adopt-a-Bridge Program provides a mechanism for MDT to transfer ownership of historic bridges to any entity or individual willing to take on ownership and maintenance of the structures. If MDT receives a suitable application from an interested party, the program allows the bridge to either remain in its current location or be moved to an alternate site. The Lodge Creek Bridge (24BL981/24BL1050) could be left in place or moved under any of the build alternatives. The Fifteen Mile Creek Bridge (24BL1731) could be left in place or moved under the two-lane alternatives. In the four-lane alternatives, the wider roadway section and right-of-way would impact the Fifteen Mile Creek Bridge (24BL1731). Therefore, the Fifteen Mile Creek Bridge (24BL1731) would not be left in place for the four-lane alternatives; however, it could be moved. The use of MDT's Adopt-

a-Bridge Program provides an opportunity to minimize impacts to these Section 4(f) resources.

Under Section 106 of the NHPA, to mitigate adverse effects to historic resources, MDT and FHWA will be required to develop a Memorandum of Agreement (MOA) with the SHPO for the Preferred Alternative. MDT and FHWA will carry out the stipulations of the MOA, which have yet to be negotiated, before implementation of the Preferred Alternative.

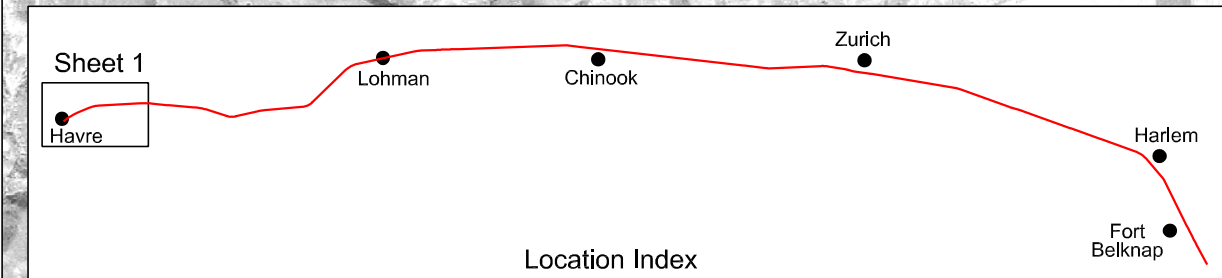
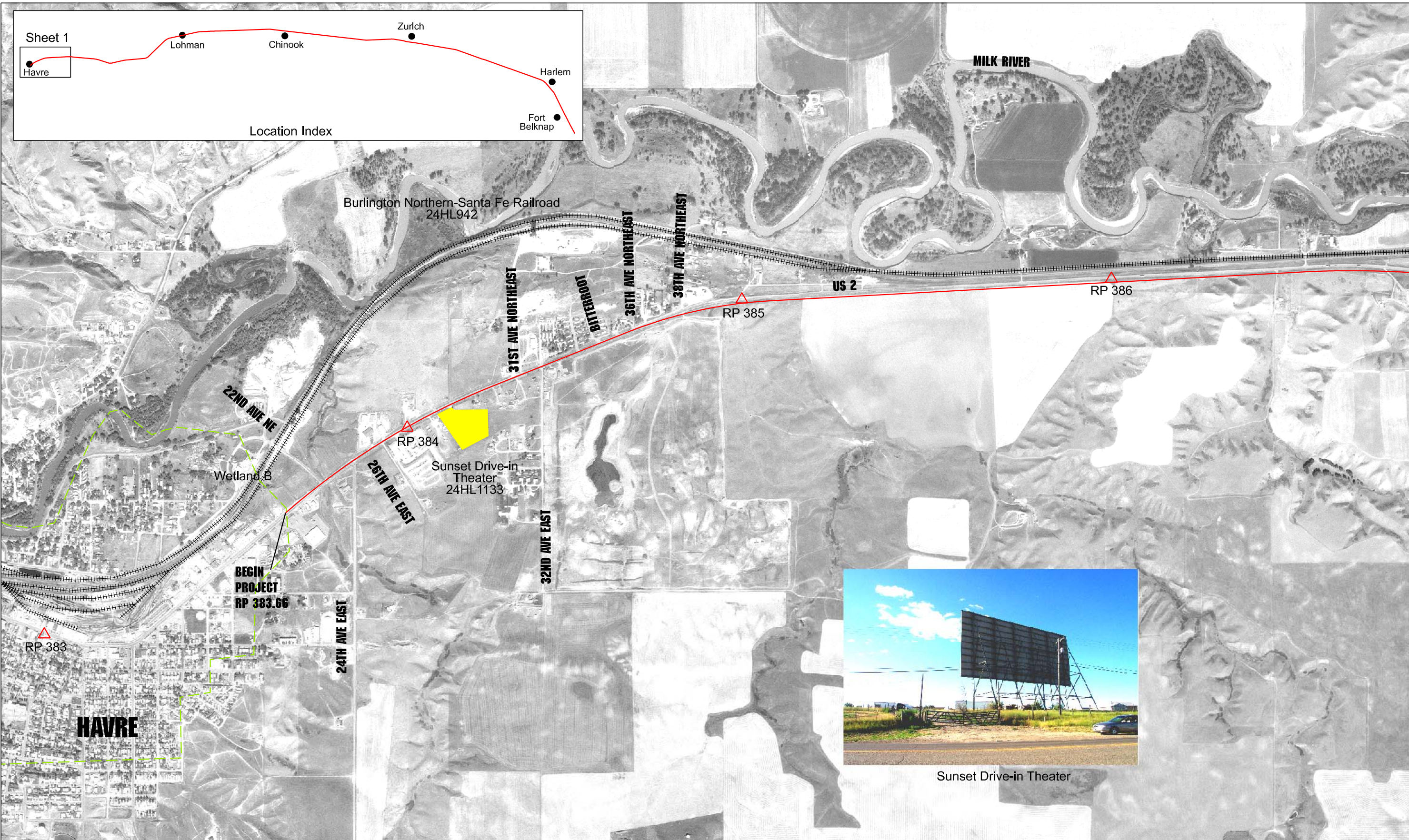
Coordination

MDT, on behalf of FHWA, prepared a cultural resource inventory for the project corridor and coordinated with the Montana SHPO regarding the eligibility of all historic and prehistoric resources within the corridor and the assessment of effect of the alternatives. The SHPO concurred with the MDT/FHWA determinations of eligibility and the assessment of effect for these properties. After a final Preferred Alternative is selected, MDT and FHWA will negotiate a Memorandum of Agreement specifying mitigation measures to be carried out for NRHP-eligible resources that would be impacted by the Preferred Alternative.

In addition to consultations with SHPO, all of the public entities that own property within the US 2 project area were contacted to identify the uses of their lands and make a determination if any of the properties qualified as significant 4(f) parks, recreation areas, or wildlife refuges. These agencies included:

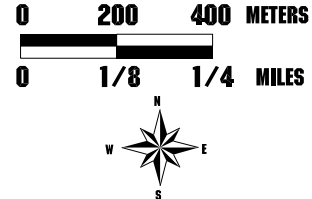
- Blaine County, Montana
- City of Chinook, Montana
- City of Harlem, Montana
- Fort Belknap Indian Reservation
- Montana Department of Natural Resources and Conservation
- U.S. Department of the Interior – Bureau of Land Management

A letter describing the project and requesting information about land uses was sent to each agency at the beginning of the EIS process (Appendix B). Subsequent telephone conversations were held with members of these entities to clarify information and attain the understanding of land uses on their properties. To obtain concurrence with the MDT and FHWA determination regarding the potential 4(f) applicability of their lands, these agencies will be consulted again after identification of the Preferred Alternative and the Section 4(f) Evaluation is updated.



LEGEND

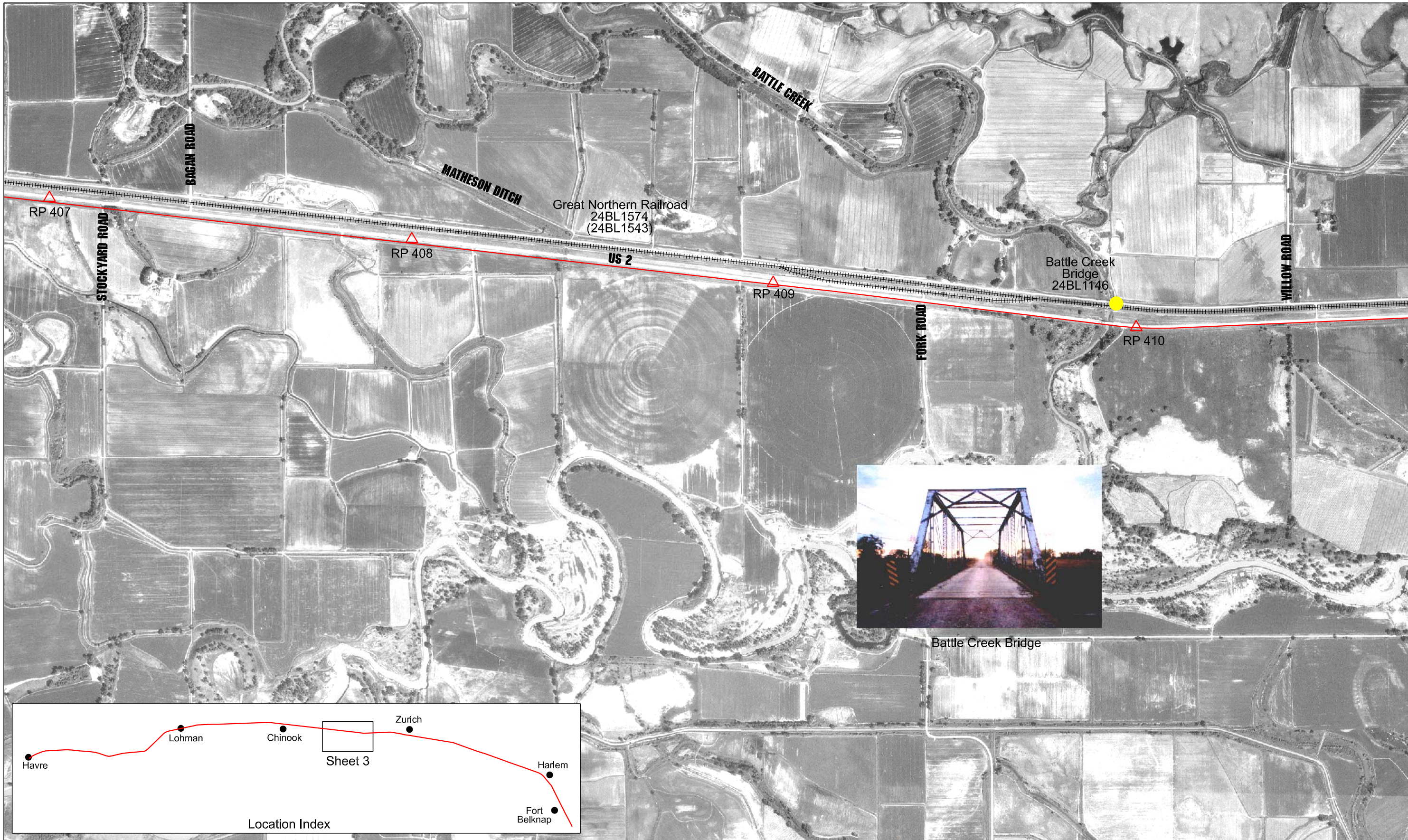
— PROPOSED ALIGNMENT CENTER LINE	* PARK OR RECREATION SITE
△ REFERENCE POST (RP)	++++ BNSF RAILROAD
● CULTURAL RESOURCE NRHP ELIGIBLE	--- URBAN BOUNDARY



US2, HAVRE TO FORT BELKNAP
SECTION 4(F) SITES LOCATION MAP
SHEET 1 OF 6
JUNE, 2004

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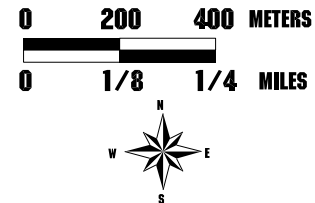




LEGEND

- PROPOSED ALIGNMENT CENTER LINE
- △ REFERENCE POST (RP)
- CULTURAL RESOURCE NRHP ELIGIBLE








- * PARK OR RECREATION SITE
- ++++ BNSF RAILROAD
- URBAN BOUNDARY

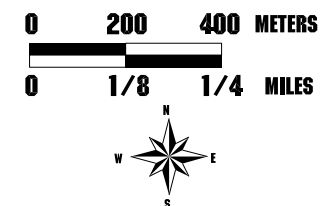


US2, HAVRE TO FORT BELKNAP
SECTION 4(F) SITES LOCATION MAP
SHEET 3 OF 6
JUNE, 2004



LEGEND

-  **PROPOSED ALIGNMENT CENTER LINE**
 **PARK OR RECREATION SITE**
-  **REFERENCE POST (RP)**
 **BNSF RAILROAD**
-  **CULTURAL RESOURCE**
 **URBAN BOUNDARY**
-  **NRHP ELIGIBLE**



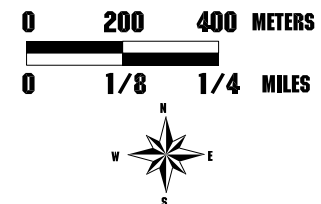
US2, HAVRE TO FORT BELKNAP
SECTION 4(F) SITES LOCATION MAP
SHEET 4 OF 6
JUNE, 2004



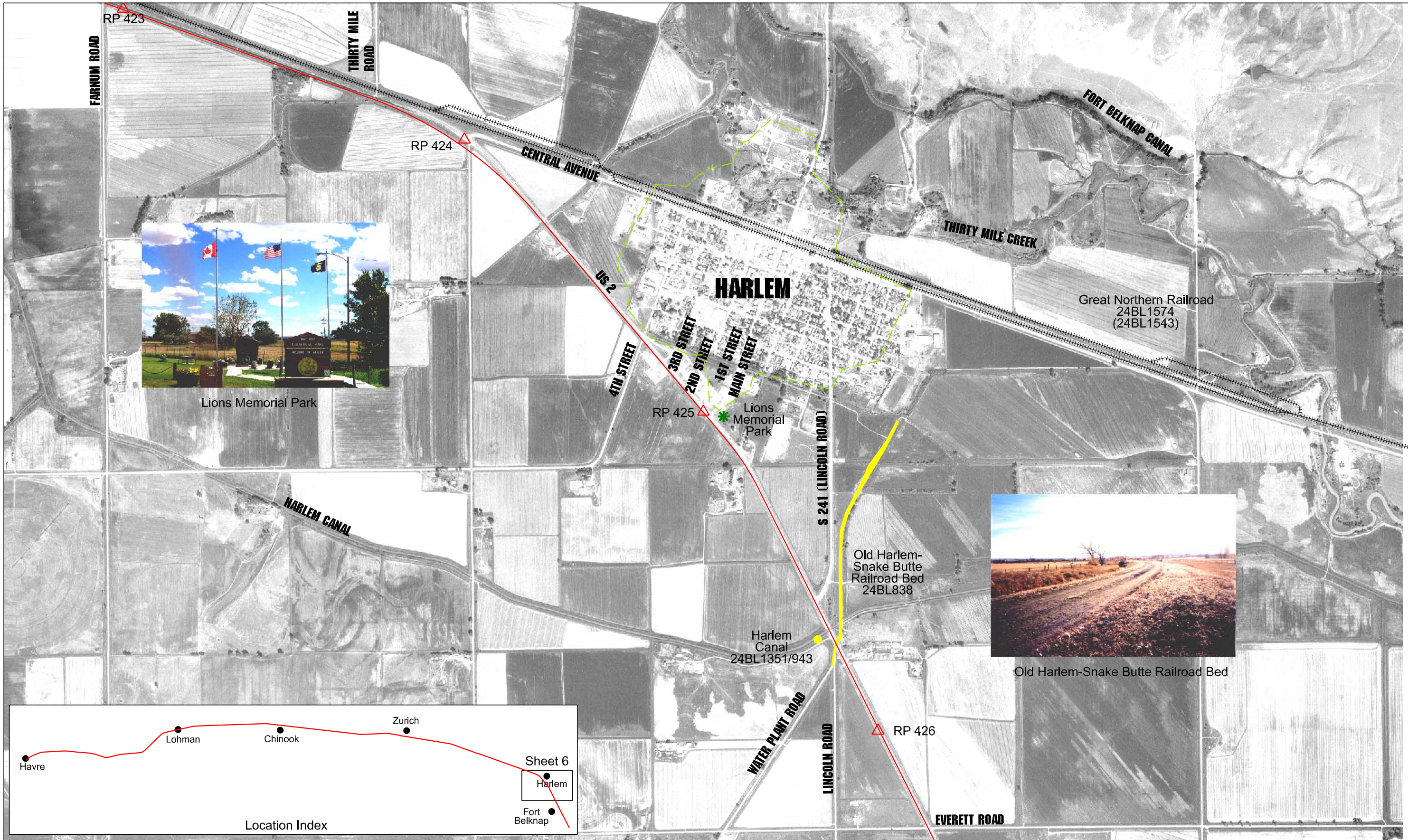
LEGEND

- PROPOSED ALIGNMENT CENTER LINE
- △ REFERENCE POST (RP)
- CULTURAL RESOURCE NRHP ELIGIBLE

- * PARK OR RECREATION SITE
- ++++ BNSF RAILROAD
- URBAN BOUNDARY



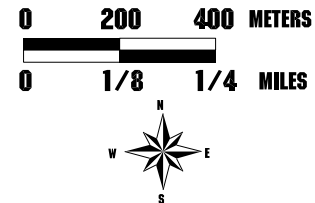
US2, HAVRE TO FORT BELKNAP
SECTION 4(F) SITES LOCATION MAP
SHEET 5 OF 6
JUNE, 2004



LEGEND

- PROPOSED ALIGNMENT CENTER LINE
- △ REFERENCE POST (RP)
- CULTURAL RESOURCE NRHP ELIGIBLE

- * PARK OR RECREATION SITE
- ++++ BNSF RAILROAD
- URBAN BOUNDARY



US2, HAVRE TO FORT BELKNAP
SECTION 4(F) SITES LOCATION MAP
SHEET 6 OF 6
JUNE, 2004



June 2004

APPENDIX J – Public Involvement

Notice of Intent

Public Meeting Minutes

1. Public Meeting Series #1
2. Community Workshops
3. Public Meeting Series #2

from France (65 FR 18050 (April 6, 2000)), the antidumping duty orders on corrosion-resistant steel and cut-to-length steel from Germany (65 FR 18051 (April 6, 2000) and 65 FR 18055 (April 6, 2000), respectively), and the countervailing duty order on corrosion-resistant steel from France (65 FR 18063 (April 6, 2000));

- The ITC determinations in the sunset reviews of the antidumping and countervailing duty orders on cut-to-length steel from Germany and on corrosion-resistant steel from France and Germany (USITC Publication 3364, November 2000; 65 FR 75301 (December 1, 2000));

- The DOC notice of the continuation of the antidumping and countervailing duty orders on cut-to-length steel from Germany and on corrosion-resistant steel from France and Germany (65 FR 78469 (December 15, 2000)); and

- Certain provisions and procedures contained in Sections 751 (c) and 752 of the Tariff Act of 1930 (the "Act"), the implementing regulations (referred to by the EC as "19 CFR Section 351"), and the Sunset Policy Bulletin issued by the DOC (63 FR 18871 (April 16, 1998)).

With respect to the claims of WTO-inconsistency, the EC request for consultations refers to the following:

- The presumption of continuation or recurrence of dumping or countervailable subsidy with respect to an interested party when this latter has waived its participation in a review conducted by the DOC (section 751(c)(4)(B) of the Act);

- The specific 0.5% *de minimis* dumping margin in a sunset review (section 752(c)(4)(B) of the Act, DOC regulation 19 CFR 351.106(c), section II.A.5 of the DOC Sunset Policy Bulletin);

- The specific conditions for assessing cumulatively the volume and effect of imports of the subject merchandise from all subject countries in a sunset review (section 752(a)(7) of the Act);

- The assessment of the likely volume of imports in a sunset review (sections 752(a)(2) of the Act) and the failure to determine that imports from France or Germany would be likely to rise above their historical and current negligible volume;

- The failure of the ITC to use publicly available information to account for the missing information due to the limited cooperation from the domestic producers, in particular from the service centers;

- the decision of the ITC to assess the likely impact of French and German imports cumulatively with the imports from "all subject countries".

Public Comment: Requirements for Submissions

Interested persons are invited to submit write comments concerning the issues raised in this dispute. Persons submitting comments may either send one copy by U.S. mail, first class, postage prepaid, to Sandy McKinzy at the address listed above, or transmit a copy electronically to ecsunset@ustr.gov, with "EC Sunset Dispute" in the subject line. For documents sent by U.S. mail, USTR requests that the submitter provide a confirmation copy, either electronically, to the electronic mail address listed above, or by fax to (202) 395-3640. USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similar, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files. Comments must be in English. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitting person. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act 1974 (19 U.S.C. 2155(g)(2)). If the submitting person believes that information or advice may qualify as such, the submitting person—

- (1) Must so designate the information or advice;

- (2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and

- (3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, assessable to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments

received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket No. WT/DS-262, EC Sunset Dispute) may be made by selling the USTR Reading Room at (202) 395-6186. The USTR Reading Room is open to the public 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

Bruce Hirsh,

Acting Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 02-20002 Filed 8-6-02; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Hill and Blain Counties, Montana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: FHWA hereby gives notice that it intends to prepare an Environmental Impact Statement (EIS) for improvements to US Highway 2, in Hill and Blaine Counties, Montana.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Paulson, Program Development Engineer, FHWA Montana Division, 2880 Skyway Drive, Helena, Montana 59602; Telephone (406) 449-5302, extension 239; or Mr. Carl Helvik, Consultant Design, Montana Department of Transportation, 2701 Prospect Avenue, Helena, Montana 59620-1001; Telephone (406) 444-5446.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be download using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Interent users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

Background

The FHWA, in cooperation with the Montana Department of Transportation

(MDT), will prepare an EIS for a proposal to improve US Highway 2 in Hill and Blaine Counties, Montana. The intent of the proposed project is to replace the aging US Highway 2 with an efficient and safe highway that will be attractive to the needs of agriculture, industry, commerce and tourism in the area. The proposed improvement corridor is between Havre and Fort Belknap, a distance of approximately 72km (45 miles), and includes the towns of Lohman, Chinook, Zurich, and Harlem.

Alternatives under consideration include: (1) Taking no action; (2) improvements within the existing alignment; (3) improvements on a new alignment; and (4) combination of alternatives (2) and (3).

An extensive public involvement process will be conducted to solicit views and comments from the appropriate agencies and interested private organizations and citizens. The process will include a Citizens Advisory Committee, public meetings and workshops, a public hearing, small group presentations, and meetings with individuals along the corridor. The draft EIS will be available for public and agency reviews and comments prior to the public hearing. Public notice will be given of the time and place of all meetings and hearings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided.

(Catalog of Federal Domestic Assistance Project Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action.)

(Authority: 23 U.S.C. 315; 49 CFR 1.48)

Issued on: August 1, 2002.

Dale W. Paulson,

Program Development Engineer, Montana Division, Federal Highway Administration, Helena, MT.

[FR Doc. 02-19902 Filed 8-6-02; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Actions on Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of actions on exemption applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the actions on exemption applications in April-June 2002. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicles, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions. It should be noted that some of the sections cited were those in effect at the time certain exemptions were issued.

Issued in Washington, DC, on July 19, 2002.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
MODIFICATION EXEMPTIONS				
4453-M	DOT-E 4453	Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To modify the exemption to authorize the transportation of additional Division 1.5D liquid blasting explosives in non-DOT specification bulk cargo tanks, trailers and motor vehicles.
6805-M	DOT-E 6805	Air Liquide America Corporation, Houston, TX.	49 CFR 173.301(d), 173.302(a) (3).	To modify the exemption to authorize the use of DOT Specification 3A and 3AA cylinders as additional packaging for the transportation of Division 2.1 and 2.3 materials and a language clarification of the low pressure cylinders for transporting carbon monoxide.
7007-M	DOT-E 7007	Allied Universal Corp., Miami, FL.	49 CFR 173.314(c), 179.3 ..	To modify the exemption to authorize the use of additional non-DOT specification multi-unit tank car tanks with minimum shell thickness for the transportation of Division 2.3 materials.
7657-M	DOT-E 7657	Welker Engineering Company, Sugar Land, TX.	49 CFR 173.201, 173.202, 173.203, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3.	To modify the exemption to authorize the transportation of additional Division 2.1, 2.2, 2.3 and Class 3 materials in a non-DOT specification stainless steel cylinder.
7765-M	DOT-E 7765	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 173.302(a)(4), 175.3.	To modify the exemption to authorize the use of an additional non-DOT specification cylinder bottle assembly unit for the transportation of Division 2.2 materials.
8215-M	DOT-E 8215	Olin Corp., Brass & Winchester, Inc., East Alton, IL.	49 CFR 172.320, 173.230, 173.62(c), Part 172, Subpart E.	To modify the exemption to authorize the addition of a Division 1.1D material and for Division 1.1A and 1.1D materials to be transported in a newly designed motor vehicle (trailer).
8439-M	DOT-E 8439	Kidde Aerospace, Wilson, NC.	49 CFR 173.302, 173.304, 175.3.	To modify the exemption to authorize the transportation of an additional Division 2.2 material in non-DOT specification cylinders.



DAVID EVANS
AND ASSOCIATES INC.

MEETING MINUTES

PROJECT: US 2, Havre to Fort Belknap
MDT Project No. PLH-TCSP 1-6(44)384, C.N. 4951

PURPOSE: Public Meeting Series #1

DATE HELD: September 30, 2002 – October 3, 2002

LOCATION: MSU Northern S.U.B. Ballroom, Havre, Montana
Chinook Motor Inn, Chinook, Montana
Harlem City Hall, Harlem, Montana
Fort Belknap College, Fort Belknap, Montana

ATTENDING: DEA: Joe Hart, Debra Perkins-Smith, Kathy Schultheis; MDT: Mick Johnson, Karl Helvik,
(Project staff) Tom Atkins, Doug Wilmot; FHWA: Darrin Grenfell

COPIES: Karl Helvik, Mick Johnson, Dale Paulson, Tom Atkins, Jean Riley, Darrin Grenfell, Debra Perkins-Smith, Joe Hart, Kathy Schultheis, Colleen Kirby, CAC Members

Summary of Meetings:

Approximately 750 newsletters advertising the meetings were mailed to landowners, businesses, and other individuals. CAC members posted flyers in public locations, and local newspapers and radio stations were sent press releases.

Attendance (does not include project and agency staff):

Havre – 26
Chinook – 33
Harlem – 38
Fort Belknap – 13

An open house was held from 4:30 – 7pm each night.

The following displays were set up to provide information to the public:

Environmental and public process – explained NEPA and the public involvement process for the project
Project Issues and Constraints – consisted of aerial maps of the corridor, and encouraged people to comment on their concerns and issues in the corridor

The following materials were available to the public:

Agenda (attached)
Project Fact Sheet, with Purpose and Need (attached)
Copies of the first project newsletter
Public survey
Comment sheet

Mick Johnson, District Administrator, MDT Great Falls gave a brief presentation at 6pm at the Havre, Chinook, and Fort Belknap meetings. Doug Wilmot, MDT Great Falls gave a brief presentation at 5pm and 6pm at the Harlem meeting. They gave a short history of the project, a snapshot of the timing and the planning process, and introduced the team members from MDT, FHWA, and the project consultant David Evans and Associates, Inc.

A summary of public comments and meeting handouts are attached.

COMMUNITY WORKSHOP
US HIGHWAY 2, HAVRE TO FORT BELKNAP

Week of September 30, 2002

AGENDA

Open House 4:30 – 7:00pm

- Public scoping and information gathering

Presentation 6:00pm

- Mick Johnson, Montana Department of Transportation – Great Falls, District Administrator
- Debra Perkins-Smith, David Evans and Associates, Inc., Project Manager

OPEN HOUSE STAFF

Montana Department of Transportation: Karl Helvik, Mick Johnson, Doug Wilmot, Tom Atkins, Jean Riley

Federal Highway Administration: Darrin Grenfell

Project Consultants, David Evans and Associates, Inc.: Debra Perkins-Smith, Joe Hart, Kathy Schultheis

PROJECT PURPOSE

The Montana Department of Transportation is conducting an environmental impact statement (EIS) for a portion of the US 2 corridor, between Havre and Fort Belknap. This study is in response to Senate Bill 3, passed in 2001 by the Montana State Legislature. The EIS will analyze the impacts of improvements that may be proposed to address safety and roadway deficiencies.

HOW YOU CAN HELP US:

- Read through the Project Fact Sheet, located at the sign-in table.
- Talk to project team staff during the open house, and point out areas of concern on the highway maps posted on the walls.
- Visit the Comments Station, and let us know what improvements you feel are important on US 2.
- Fill out the public survey, and list any specific concerns or comments you have on the comment sheet; both are located at the Comments Station.
- Give us your input on ideal times and dates for community workshops later this year.

Public Meeting Series #1
Project Staff Summary of Public Input
Sept. 30 – Oct. 3, 2002
PLH-TCSP 1-6(44)384 CN 4951

Following are the major issues project staff identified at the first series of public meetings in Havre, Chinook, Harlem, and Fort Belknap, week of September 30, 2002.

General Corridor Concerns

1. Safety is the primary concern on the highway corridor.
 - a. Citizens feel the existing highway is too narrow and lacks adequate shoulders.
 - b. Varying speeds of different users on highway is a safety concern. Citizens would like the highway to accommodate a wide variety of users (local, regional, trucks, school buses, agricultural equipment, bicyclists).
 - c. Citizens say that queues often build up behind slower vehicles or turning vehicles.
 - d. Farmers say that agricultural equipment is difficult to move because there are no shoulders.
 - e. Citizens find it difficult to avoid wildlife that has wandered onto the road.
 - f. Citizens feel that turning onto the road is often dangerous, as vehicles travel at high speeds and there is no accommodation for accelerating vehicles.
 - g. Citizens feel there is inadequate distance between the railroad and the highway at railroad crossings.
 - h. Citizens would like to see many of the bridges widened.
2. Most citizens do not want the improved highway to bypass the towns.

Havre area concerns

Citizens did not have major concerns with the highway in the Havre area.

Chinook area concerns

1. Safety concerns
 - a. Pedestrians have a difficult and dangerous experience crossing the highway in Chinook.
 - b. Citizens say there are visibility problems turning onto the highway from town, and crossing the railroad tracks north of the highway.
 - c. Citizens have safety concerns at Lodge Creek Bridge and Ellome Road.
2. Citizens would like to induce tourists and others to stop in Chinook and spend money.
3. Citizens would like to maintain a two-lane highway through Chinook, in its present location, with safety and operational improvements.

Harlem/Fort Belknap area concerns

1. Safety concerns
 - a. Citizens say access onto and off of highway is difficult due to fast-moving traffic.
 - b. Citizens feel that the intersection of Everett Road and US 2 is a particular safety concern.
2. Citizens would like to create a stronger identity for Harlem along the highway.
3. Citizens noted that there are a number of drainage and irrigation issues along the current US 2 bypass.



DAVID EVANS
AND ASSOCIATES INC.

MEETING MINUTES

PROJECT: US 2, Havre to Fort Belknap
MDT Project No. PLH-TCSP 1-6(44)384, C.N. 4951

PURPOSE: Community Workshops

DATE HELD: November 12 – 14, 2002

LOCATION: Best Western Great Northern Inn, Havre, Montana
Fort Belknap College, Fort Belknap, Montana
Chinook Motor Inn, Chinook, Montana
Little Rockies Senior & Retirement Center, Harlem, Montana

ATTENDING: DEA: Joe Hart, Steve Long, Debra Perkins-Smith, Kathy Schultheis; MDT: Karl Helvik,
(Project staff) Doug Wilmot; FHWA: Darrin Grenfell

COPIES: Karl Helvik, Mick Johnson, Darrin Grenfell, Debra Perkins-Smith, Joe Hart, Kathy Schultheis, Martha Wiley, Colleen Kirby, CAC Members, Elected Officials, Sergio Ostria, Jeff Ang-Olson

Summary of Meetings:

Approximately 900 newsletters advertising the meetings were mailed to landowners, businesses, and other individuals. CAC members posted flyers in public locations, and local newspapers and radio stations were sent press releases.

Attendance (does not include project and agency staff):

Havre – 25
Fort Belknap – 12
Chinook – 44
Harlem – 18

A community workshop was held for 2½ hours at each meeting.

The following displays were set up to provide information to the public:

Highway cross-sections – cross-sections showing standards for two-, three-, four-, and five-lane highways and railroad offsets
Project Issues and Constraints – aerial maps of the corridor, with comments from previous series of public meetings

The following materials were available to the public:

Agenda with project purpose and status (attached)
List of highway improvement objectives (attached)

Doug Wilmot, MDT Great Falls gave a brief introduction at each meeting. Kathy Schultheis and Joe Hart, David Evans and Associates, Inc., reviewed the issues generated by the public at the first series of public meetings. Steve Long, David Evans and Associates, Inc., gave a twenty-minute presentation on highway design, to bring the public to a common understanding of the elements and standards that will be applied to the new design for US 2. The meetings then broke up into work groups to develop various solutions for alternatives for the US 2 corridor.

A summary of issues and solutions developed at each meeting is attached.

COMMUNITY WORKSHOP
US HIGHWAY 2, HAVRE TO FORT BELKNAP

Week of November 11, 2002

AGENDA

1. Introduction – Doug Wilmot, Montana Department of Transportation - Great Falls
2. Summary of issues from Public Meeting Series 1 – Kathy Schultheis, Senior Landscape Architect and Joseph Hart, Vice President Transportation, David Evans & Associates, Inc.
3. Highway Design – Steve Long, Senior Transportation Engineer, David Evans & Associates, Inc.
4. Breakout groups
 - a. Review issues and objectives
 - b. Develop solutions
5. Review objectives and solutions developed by breakout groups
6. Next steps

PROJECT STAFF

Montana Department of Transportation: Karl Helvik, Mick Johnson, Doug Wilmot, Tom Atkins

Federal Highway Administration: Darrin Grenfell

Project Consultants, David Evans and Associates, Inc.: Debra Perkins-Smith, Joe Hart, Kathy Schultheis, Steve Long

WORKSHOP PURPOSE

- ◆ Confirm the issues and objectives for highway improvements that were voiced at the public meetings in October.
- ◆ Develop a range of alternatives that satisfy the objectives for improving US 2.

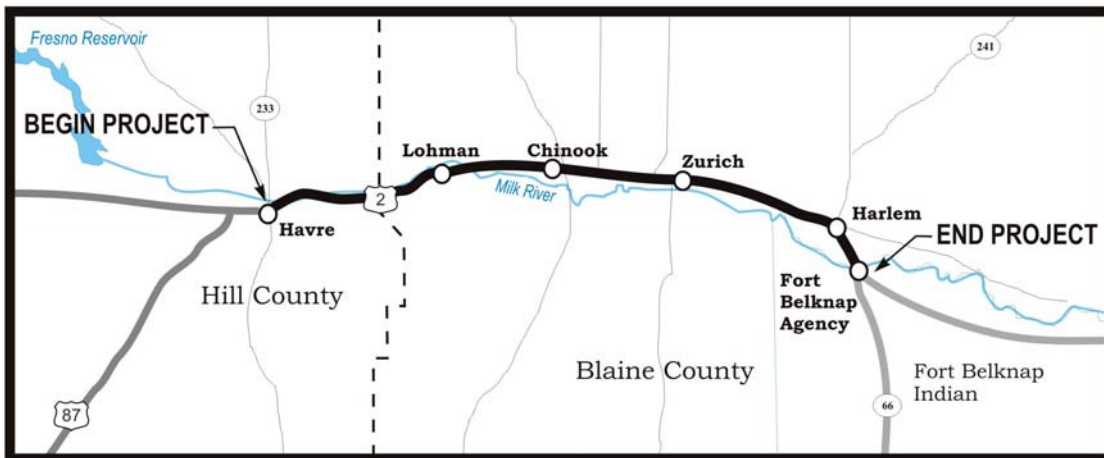
PROJECT PURPOSE

The Montana Department of Transportation is conducting an environmental impact statement (EIS) for a portion of the US 2 corridor, between Havre and Fort Belknap. This study is in response to Senate Bill 3, passed in 2001 by the Montana State Legislature. The EIS will analyze the impacts of improvements that may be proposed to address safety and roadway deficiencies.

PROJECT UPDATE

- ◆ Public meetings were held September 30 – October 3, 2002 to inform the public about the project and determine the range of issues along the highway corridor.
- ◆ Other updates will be posted periodically on the project website:
www.us Hwy2.com

US 2 PROJECT LOCATION



**Community Workshops
Project Staff Summary of Comments
November 12-14, 2002**

PLH-TCSP 1-6(44)384 CN 4951

Following are the major comments received at the community workshops held in Havre, Chinook, Harlem, and Fort Belknap, week of November 11, 2002.

Havre Area Concerns

Economics and roadway geometry were the primary issues discussed at the Havre workshop.

1. Economic Issues and Solutions
 - a. Participants felt strongly that a four-lane highway will better encourage economic development in the corridor.
 - b. There was some disagreement about the ability to fund a four-lane highway within a reasonable amount of time. It was recommended that right-of-way for a future four-lane be acquired if funding or lack of warrant prevents a four-lane in the near future.
2. Roadway Geometry & Alignment Issues and Solutions
 - a. In general, participants felt that re-alignment to the south would have negative economic and environmental impacts.
 - b. Participants felt that four lanes would increase safety by providing more passing opportunities, a wider roadway envelope, and better accommodation of trucks.
 - c. Participants asked for 100 – 150-foot offset or more from the railroad, both for safety at crossings, and for separation from train ditch lights.

Fort Belknap Area Concerns

Economics was the primary issue discussed at the Fort Belknap workshop.

1. A number of ideas were proposed to encourage vehicle traffic to stop in the area. These ideas included better signage for businesses and the College, statues and/or sculptures at intersections, future additional development of the Quick Stop, and a rest stop.
2. Participants also discussed the interpretive and cultural center being planned by the Fort Belknap College and the need to consider specific plans for future development in the area.

Chinook Area Concerns

Economics and roadway geometry were the two primary issues discussed at the Chinook workshop.

1. Economic Issues and Solutions
 - a. Economic drivers were felt to be grain elevators, increased truck traffic due to numerous factors, and tourist stops such as the Chief Joseph Battleground.
 - b. It was felt that a four-lane highway would attract more truckers, industries, Canadian traffic, and tourists, and that four lanes are needed for geographical balance in the state.
 - c. Specific solutions to encourage economic growth included accommodating truck parking in towns so truckers may stop and use goods and services, and talking with industries about factors that influence their site selection.
2. Roadway Geometry & Alignment Issues and Solutions

- a. Participants proposed various combinations of three, four, and five lanes through Chinook, as well as a one-way couplet through town. A turn lane was deemed essential, and therefore the three and five lane options were preferred.
 - b. It was suggested that a new roadway alignment might relocate the railroad to the north and place the improved US 2 in the current railroad right-of-way.
3. Suggested pedestrian improvements included a pedestrian overpass/underpass at Indiana Street, or a traffic signal and/or pedestrian-actuated signal at Indiana Street, and the continuation of the south sidewalk to the Sweet Memorial Nursing Home.

Harlem Area Concerns

Safety and roadway access were the two primary issues discussed at the Harlem workshop.

1. Safety Issues and Solutions
 - a. Wildlife collisions are an issue. Solutions include consideration of planting materials used in clear zone and median, such that animals will not be attracted to plants and visibility remains clear.
2. Access Issues and Solutions
 - a. The degree of access control desired for a four-lane highway was discussed, without coming to a definitive conclusion. Participants felt that Chambers of Commerce and planning agencies should plan for consolidated access as part of future development in the area.
 - b. Solutions included adding left and right turn lanes, lowering the speed limit to create safer access onto the highway, and adding frontage roads in Fort Belknap and Harlem to allow for consolidated access points.
3. Specific solutions were discussed for the Everett Road intersection. These included relocating some of the accesses at this intersection to minimize the number of roads at this location, a traffic signal, or a no passing zone.
4. Roadway alignment was discussed. Aside from maintaining the existing alignment, a one-way couplet was suggested that would bring westbound traffic through Harlem and keep eastbound traffic on the current Highway 2 route. Any other alignment option was felt to be indirect and infeasible.



DAVID EVANS
AND ASSOCIATES INC.

MEETING MINUTES

PROJECT: US 2, Havre to Fort Belknap
MDT Project No. PLH-TCSP 1-6(44)384, C.N. 4951

PURPOSE: Public Meeting Series #2

DATE HELD: May 5-7, 2003

LOCATION: Best Western Great Northern Inn, Havre, Montana
Chinook Motor Inn, Chinook, Montana
Fort Belknap Bingo Hall, Fort Belknap, Montana
Little Rockies Senior & Retirement Center, Harlem, Montana

ATTENDING: DEA: Steve Long, Debra Perkins-Smith, Colleen Kirby; MDT: Karl Helvik, Mick Johnson,
(Project staff) Doug Wilmot, Tom Atkins; FHWA: Darrin Grenfell, Dale Paulson

COPIES: Karl Helvik, Darrin Grenfell, Debra Perkins-Smith, Joe Hart, Kathy Schultheis, Martha Wiley, Colleen Kirby, Steve Long, CAC Members, Elected Officials, Sergio Ostria, Jeff Ang-Olson, File

Summary of Meetings:

Approximately 500 newsletters advertising the meetings were mailed to landowners, businesses, and other individuals. CAC members posted flyers in public locations, and local newspapers and radio stations were sent press releases.

Attendance (does not include project and agency staff):

Havre – 33
Fort Belknap – 17
Chinook – 41
Harlem – 32

In October 2002 the first series of public meetings was held to conduct public scoping for the project. In November 2002 community workshops were held to solicit ideas for alternatives. This second series of public meetings presented the purpose and need, screening criteria, alternatives, and screening process.

Graphics illustrated the purpose and need, screening criteria, and each of the alternatives developed for highway improvements.

The following materials were available to the public:

Agenda with project information and status (attached)
Summary of comments received at previous US 2 public meetings (attached)
Comment sheets
Project newsletter

Mick Johnson, MDT District Administrator, Great Falls gave a brief introduction at each meeting. Steve Long, Senior Transportation Engineer, David Evans and Associates, Inc., presented the project purpose and need, screening criteria, alternatives, and screening process. The public gave their input throughout the presentation. Debra Perkins-Smith, Vice President, David Evans and Associates, Inc., ended the meetings with a project status update and public involvement information .

A summary of public comments received at each meeting is attached.

PUBLIC MEETING
US HIGHWAY 2, HAVRE TO FORT BELKNAP
Week of May 5, 2003

AGENDA

1. Introduction
Mick Johnson, Montana Department of Transportation, Great Falls
2. Project Overview and Status
Debra Perkins-Smith, Vice President, David Evans and Associates, Inc.
3. Review of Conceptual Alternatives and Screening
Debra Perkins-Smith, Vice President, and Steve Long, Senior Transportation Engineer, David Evans & Associates, Inc.
4. Alternatives To Be Carried Forward to Detailed Evaluation
Steve Long, Senior Transportation Engineer, David Evans & Associates, Inc.
5. Next steps
Debra Perkins-Smith, Vice President, David Evans and Associates, Inc.

PROJECT STAFF

Montana Department of Transportation: Karl Helvik, Mick Johnson, Doug Wilmot, Tom Atkins

Federal Highway Administration: Darrin Grenfell, Ted Burch, Dale Paulson

Project Consultants, David Evans and Associates, Inc.: Debra Perkins-Smith, Steve Long, Colleen Kirby



MEETING PURPOSE

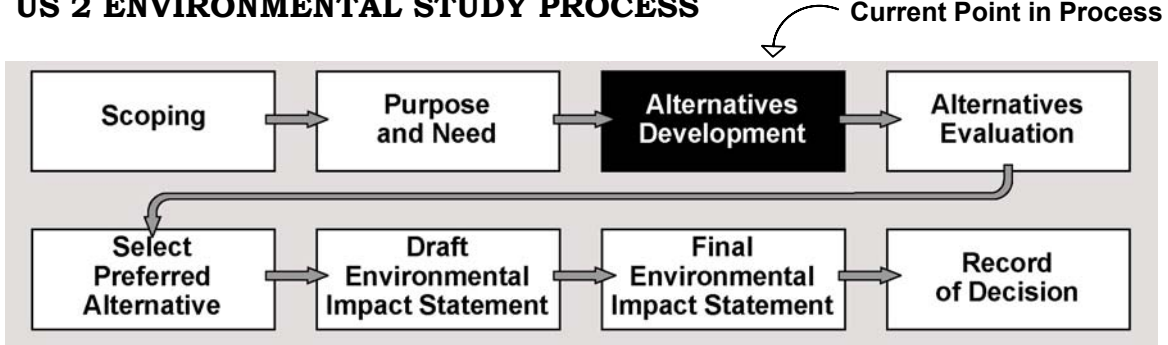
- ◆ Discuss the range of alternatives identified for US 2 improvements
- ◆ Review screening of alternatives to determine which ones will be carried forward for further evaluation



PROJECT PURPOSE

The purpose of the US 2, Havre to Fort Belknap project is to replace the aging US 2 facility with an efficient and safe highway that will be attractive to the needs of local communities, agriculture, industry, commerce and tourism.

US 2 ENVIRONMENTAL STUDY PROCESS



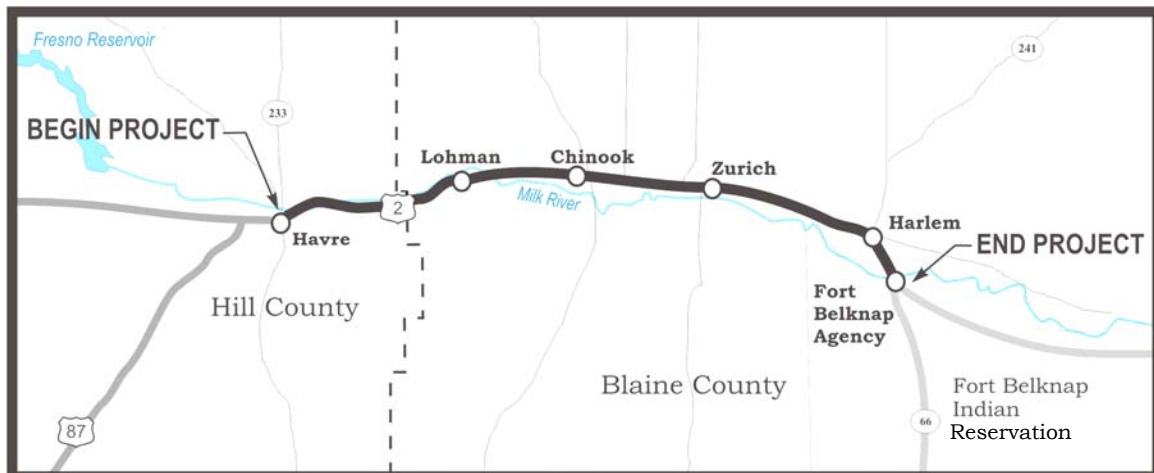
PROJECT INFORMATION AND CONTACTS

If you, or someone you know, would like to talk with a project team member about the project we would be glad to speak with you.

- Visit our project website, www.ushwy2.com, and submit your comments online.
- Mail your comments to: David Evans and Associates, Inc., 1331 17th Street, Suite 900, Denver, Colorado, 80202, attention: Colleen Kirby.
- Talk with a project team member about the project. Call Karl Helvik at the Montana Department of Transportation at 406-444-5446 or Debra Perkins-Smith at David Evans and Associates, Inc. at 720-946-0969.



US 2 PROJECT LOCATION



Public Meeting Series #2
Project Staff Summary of Public Input
May 5-7, 2003

PLH-TCSP 1-6(44)384 CN 4951

The first series of public meetings was held September 30 – October 3, 2002, and a series of community workshops was held November 12 – 14, 2002. Following is a summary of the major comments received for the alternatives and screening at the second series of public meetings in Havre, Chinook, Harlem, and Fort Belknap, week of May 5, 2003. Specific comments for each meeting are attached.

RURAL TYPICAL SECTION ALTERNATIVES

1. **Improved Two-Lane.** Safety remains a concern. Some were concerned that 8-foot shoulders were not wide enough for agricultural equipment, and others did not think this was a problem. It would still be difficult to pass slow vehicles. It would still be difficult to turn onto and off of highway because vehicles would still need to accelerate and decelerate in the travel lane. Some commented that this alternative would not improve economics because it was not a four-lane highway.
2. **Three-Lane (Super Two).** There is a concern that the passing lanes be of sufficient length to clear long queues. It would still be difficult to turn onto and off of the highway.
3. **Four-Lane Undivided.** This alternative would improve traffic operations and increase safety since slower vehicles can be passed. It would be easier to turn onto and off of the highway without a median.
4. **Four-Lane Divided.** This alternative would improve traffic operations and increase safety since slower vehicles can be passed. It would be more difficult to use private accesses with a median in the highway.
5. **General comments.** The main concern is safety. The speed differential between local and through traffic, cars and trucks, and agricultural equipment is an important issue for the public. Turning onto and off of the highway in high-speed travel lanes is a concern. The public would like access to study reports.

ALIGNMENT ALTERNATIVES

1. **Existing Route, Offset from Railroad at Prioritized Crossings.** The public supported carrying forward this alignment.
2. **South Corridor Bypass.** Chinook and Harlem City Councils passed resolutions against this alternative. Fort Belknap Tribal Council voted in support of this alternative.
3. **Super Two Alignment.** The public generally supported the placement of passing lane locations.
4. **Havre East New Alignment.** The public supported elimination of this alternative because the alignment would be detrimental to existing businesses.

CHINOOK ALTERNATIVES

1. **Existing Two-Lane.** Two lanes with a turn lane at Indiana Street would be acceptable. The public would prefer two or three lanes through Chinook to slow traffic, encourage travelers to

stop in town, and provide safer crossing conditions for pedestrians and vehicles on Indiana Street.

2. **Three-Lane with Limited Parking.** This alternative is acceptable. Limited truck parking would be acceptable if additional parking is provided on private property visible from the highway.
3. **Four Narrow Lanes.** Four lanes would decrease safety for pedestrians and vehicles crossing US 2. Traffic would be more likely to speed through town.
4. **Four-Lane with Parking and Four-Lane with Center Turn Lane and Parking, on North Curb Held and Offset from Railroad Alignments.** These alternatives are undesirable due to impacts to existing businesses on US 2. Citizens do not want to cross additional lanes of traffic.
5. **Chinook One-Way Couplet.** Citizens do not want the highway to move closer to downtown and residences. Pedestrian safety on 2nd Avenue would be compromised. The hill on 2nd Avenue at Ohio Street would need to be lowered and would create unacceptable impacts to adjacent streets and buildings.
6. **Chinook Move Railroad.** The public supported eliminating this alternative.
7. **Chinook Southern Bypass.** Chinook City Council passed a resolution against this alternative.
8. **Comments on Truck Parking.** Provisions for truck parking are important to businesses along US 2. Truck parking does not have to be provided on US 2, however; parking on private property that is visible from US 2 is acceptable. Truck parking on US 2 compromises sight distance for vehicles turning onto the highway.
9. **Comments on Railroad Crossing at Indiana Street.** Research safety or signal improvements for this crossing.

HARLEM AND FORT BELKNAP ALTERNATIVES

1. **Typical Section Through Harlem.** The public would like to maintain a two- or three-lane section through Harlem to slow traffic and encourage travelers to stop in town. Intersection improvements should be added from Central Avenue to Lincoln Road.
2. **Harlem Frontage Road.** This alternative would be detrimental to the businesses on US 2. Consolidation of business accesses between 4th and Main Streets would be acceptable if it does not hurt businesses.
3. **One-Way Couplets.** The public supported eliminating the Lincoln Road and Old Route 2 one-way couplets because they would cause slower travel times for westbound vehicles and would route high-speed traffic through residential areas of town.
4. **Fort Belknap Intersection Improvements.** Main Street should remain open because it provides hospital, fire department, and police access to US 2. The waste transfer site access could be relocated to the north to simplify the intersection with Main Street.



US 2 Havre to Fort Belknap

Draft Environmental Impact Statement and Draft Section 4(f) Evaluation

US 2, Havre to Fort Belknap

June 2004

PLH-TCSP 1-6(44)384
CN 4951

Volume 2 of 2: Appendices and Draft Section 4(f) Evaluation

**Alternative accessible formats of
this document will be provided
upon request.**